

CITY COUNCIL REPORT



Meeting Date: June 18th, 2013
 General Plan Element: *Open Space & Recreation*
 General Plan Goal: *Provide access to educational, recreational and cultural services for all residents*

ACTION

Provide direction to staff regarding commercial motorized guided tours in the Scottsdale McDowell Sonoran Preserve. Options for Council direction include:

1. Continue to not allow commercial motorized guided tours – no further action required.
2. Allow commercial motorized guided tours on a:
 - a. Temporary basis – direct staff to implement one-year trial period per Attachments 2A, 2B and 2C.
 - b. Permanent basis – direct staff to return with an Ordinance Amendment.

BACKGROUND

The area around Granite Mountain has been a popular destination for commercial jeep tours for many years. The area is relatively easy to get to from the local hotels and resorts, offers a rich diversity in Sonoran Desert plant and animal life, and contains stunning views of the boulder strewn slopes of Granite Mountain and distant views to the east over the Verde River valley.

The majority of the land in this area was owned by the Arizona State Land Department (ASLD), until the City acquired much of it in recent years. When under State ownership, the ASLD had granted commercial permits to several jeep tour companies to operate in and around the Granite Mountain area.

Since 2010, the City of Scottsdale has purchased roughly 13,200 acres of land from the ASLD that became part of the McDowell Sonoran Preserve, including Granite Mountain and the surrounding area. The City now owns all the lands on which the commercial jeep tour companies were operating.

In January 2013 the City formally notified the jeep tour operators that following the 2012/13 acquisition of State Trust Lands, the City owns all of the land they were operating on and the land is

now governed by the City's Preserve Ordinance which prohibits motorized vehicles within the preserve boundaries. In consideration of their previous ASLD permits and as the purchase of the land occurred in the middle of the tourism season, the City allowed the jeep tours to continue until June 1st, 2013. Since 2009, City staff has been meeting and communicating with the operators informing them of the land purchases and the restrictions under the Preserve ordinance once the land became part of the Preserve.

ANALYSIS & ASSESSMENT

Request

The commercial jeep tour operators have requested that they be allowed to continue operating within the Preserve. At the February 2013 MSPC meeting, the Commission asked staff to identify options for how the Jeep tours might be allowed to continue operating. Several options were analyzed and presented to the MSPC at the May 2nd and May 30th, 2013 meetings:

1. Continue jeep tour operations under the ASLD SLUP – The SLUP for each operator did not transfer as part of sale of land to COS and thus did not provide any rights to the operators either under contract or the terms of the permit that would allow them to continue to operate in the land that became part of the preserve. Additionally, with no rights transferred, there is also no basis for allowing a sunset period for the operators (such as a 1-3 year period), since the Preserve ordinance prohibits motor vehicles.
2. Continue jeep tour operations as a preexisting grandfathered use under the Scottsdale Zoning Ordinance—the law of non-conforming uses does not apply in this situation as the operators did not have an ownership or leasehold interest in the State land that would be protected under the City's Zoning Ordinance related to non-conforming uses. The operators were allowed to operate under a SLUP which is a revocable permit granting no property rights to them.
3. All activities on lands designated as part of the Preserve must comply with Chapter 21 of the Scottsdale Revised Code (S.R.C) and all applicable Preserve policies. Staff identified three different options for a decision regarding these types of tours.
 - 1) Do not allow – no change required to existing Preserve ordinance
 - 2) Allow – two alternative approaches - temporary or permanent
 - A. Temporary - Trial Period (Special Use) – This option utilizes a section of the ordinance which gives authority to the Preserve Director to allow for special use permits with a required finding of the request being an educational activity. Would necessitate establishment of rules, regulations and guidelines. Additionally, a review report would be prepared at the end of trial period to assist

the Commission and City Council with the future decision to allow (with ordinance amendment) or not to allow Jeep tours on a permanent basis.

1. A question was asked at the May 2nd hearing regarding why a "Special Use" approval was needed for motorized tours, since the existing Non-Motorized Commercial tours have a permit process administered by staff. Essentially the non-motorized tours are all offering "passive recreation" tours, hiking, mountain biking, horse rides or rock climbing, which are all allowed by the ordinance and subject to regulation by the ordinance. The proposed "motorized" tours would necessitate use of motor vehicles, which are expressly restricted by the ordinance, thus the need for a "Special Use" approval.

- B. Permanent – requires change to Preserve ordinance and establish rules, regulations and guidelines.

Policy Implications

All activities on lands designated as part of the Preserve must comply with Chapter 21 of the Scottsdale Revised Code (S.R.C) and all applicable Preserve policies. Staff has reviewed the ordinance to evaluate the options listed in item #3 above. Staff has identified the following sections of the ordinance and highlighted relevant language for use by the Council in evaluating the request:

Sec. 21-2. Purpose of the preserve.

- a) *The purpose of the McDowell Sonoran Preserve is to establish in perpetuity a preserve of Sonoran desert and mountains to maintain scenic views, as a habitat for wildlife and desert plants; to protect archaeological and historical resources and sites, while providing appropriate public access for educational purposes; and to provide passive outdoor recreational opportunities for residents and visitors.*

Sec. 21-3. Management objectives.

The management objectives for the preserve are consistent with the purpose of the preserve and will guide the development and establishment of rules, regulations, strategies, policies, a master plan and administrative guidelines for the preserve. The management objectives are to:

- (1) Preserve the local plants, wildlife and natural resources to maintain the biological diversity and long-term sustainability of the area's ecology.*
- (2) Maintain scenic views to preserve the aesthetic values of the area for all to enjoy and for its contribution to the quality of life of the community.*
- (3) Protect historical and archaeological resources, such as petroglyph sites.*

(4) Provide a superior opportunity for people to experience and enjoy the magnificent Sonoran desert and mountains.

(5) *Provide a variety of opportunities for passive outdoor recreation, such as hiking, wildlife viewing, mountain bicycling, horseback riding and rock climbing.*

(6) Support tourism in the community by providing public outdoor educational opportunities for visitors.

(7) Provide opportunities for education and research on the Sonoran desert and mountains.

(8) Provide enough access areas of sufficient size and with adequate amenities for appropriate public access.

(9) *Develop a non-paved public trail system for hiking, mountain biking, bicycling and horseback riding and link these trails, where appropriate, with other city and regional trails.*

(10) *Restore habitat in degraded areas of the preserve to its undisturbed condition, including diverse plant species and natural ecological processes.*

Sec. 21-12. General rules for use

- b) *All persons using the preserve shall comply with the following, except as may be specifically authorized by a permit or permits as provided in this section. Or in sections 21-22 or 21-23 of this chapter:*
2. No motorized vehicles shall be allowed in the Preserve, except in designated parking areas. This provision shall not be construed, however, to prevent the use and operation of a motorized wheelchair by a person who ordinarily uses such equipment, when the person is engaged in activities otherwise permitted in the Preserve."
- d) *The provisions of this section shall not apply to persons or groups which have been issued a permit by the preserve director, as provided in sections 21-22 and 21-23, below, to engage in such activities, below.*

Sec. 21-22. Permits and procedures for special uses of the preserve.

(a) The preserve director, with such assistance of the commission as may be necessary and appropriate, is authorized to determine what activities may be allowed in the preserve, subject to obtaining a permit issued by the preserve director. The activities for which a permit may be issued may include some activities that would otherwise be prohibited by this chapter, when in the reasonable judgment of the preserve director, the activities serve or further a legitimate public, civic or educational purpose, and they are not inconsistent with the purpose of the preserve or preserve management objectives, as set forth in this chapter.

(b) *Examples of such activities, for illustrative purposes only, might include: scientific research, including collecting any specimens such as plants, rocks, wildlife or artifacts; non-fee educational activities or outdoor classes not conducted by the city; educational activities or outdoor classes, not conducted by the city, with fees charged to participants; camping (special use permit only), erecting temporary structures, including tents, tarps and canopies, ground fires, using a loud speaker, or public address system or amplifier, selling food, beverages or other merchandise, off-trail use and other uses of the preserve when it is closed to the public or involves using an area of the preserve posted as closed.*

(c) *The preserve director shall establish administrative procedures and criteria for permits to insure that a fair and equitable process will be used to review and issue or deny permits. The preserve director may establish fees for permits in the preserve.*

(d) *All permits shall require that the permit holder and those using the facility pursuant to the permit comply with the provisions of this chapter, such other rules and regulations promulgated by the preserve director, and any other special conditions. All permits shall be in writing and be kept on the person of the permit holder when using the preserve pursuant to it.*

(e) *As a condition of the permit, the permit holder shall comply with any insurance and indemnification requirements determined by the risk manager of the city to be reasonably necessary, given the nature of the activity and other circumstances.*

(f) *To the maximum extent allowed by law, the permit holder shall agree to defend the city for, from and against all demands, claims, losses, damages and expenses that are attributable to bodily injury, personal injury, accident, illness, death or impairment, damage, destruction or loss of use of property (the city's or the property of others) arising or resulting from the permit holder's use of the preserve. The permit holder shall obtain, maintain and evidence insurance, as reasonably determined by the risk manager of the city, for the duration of the permit period. The required insurance certificates and documentation, including coverages and limits shall name the city as additional insured and the permit holder's coverage shall be designated as primary.*

(g) *The preserve director or any City of Scottsdale police officer may revoke a permit for a violation of its terms or any violation of rules, regulations, ordinances or state statutes by the permit holder, or any person using the facility pursuant to the permit. In the event of revocation under this provision, the permit holder shall cease the permitted activities immediately. A permit holder who has a permit revoked pursuant to this subsection shall not be entitled to a refund of any fees paid.*

Assessment of Options

Staff has identified three options regarding commercial motorized guided tours in the Scottsdale McDowell Sonoran Preserve. These options are further described in detail and summarized as follows:

1. Do not allow commercial motorized guided tours.
2. Allow commercial motorized guided tours on a:
 - a. Temporary basis.
 - b. Permanent basis.

Attachment 1 - Flow Chart illustrates the options, timelines and potential regulations/actions involved.

Option 1 – Do not allow

Pursuant to Chapter 21 of the Scottsdale Revised Code, commercial motorized guided tours are not allowed in the Preserve. If the consensus of the City Council is to continue with not allowing any form of commercial motorized guided tours, then no further action is required.

Option 2 – Allow

If the consensus of the City Council is to allow some form of commercial motorized guided tours, then a direction is required to determine if the change should be of a permanent or temporary basis:

Option 2a – Allow on a temporary basis

Direct staff to implement a temporary trial period per the following:

9 – Month Trial Period (September 2013 through May 2014)

- a. Location limited to NE corner of Preserve. Attachment 2A maps the limits of the 2.4 miles of primary trail and 1.2 miles of optional trail for the possible tours. The primary 2.4 mile route would be the regular route and all tours would operate in a counter-clockwise flow. The optional route of up to 1.2 miles would only be used in certain weather conditions to minimize muddy conditions or if more than one tour was on the route.
- b. Regulations. Attachment 2B is the staff Draft of the proposed Guidelines for Commercial Motorized Guided Tours.
- c. Selection process outlined. Attachment 2C is the staff Draft Outline of the Selection Process.

If the City Council directs staff to proceed with a temporary trial period using the trail limits and regulations and selection process as described in Attachments 2A, 2B and 2C, staff would proceed

to further refine the attachments and begin implementation this summer. Staff's intent would be to select operators in time for the September 2013 to May 2014 season.

The temporary allowance of commercial motorized guided tours will be accomplished through the issuance of special use permits by the Preserve Director, as identified in Chapter 21. The Preserve Director is authorized to permit some activities that would otherwise be prohibited by Chapter 21, however these permitted uses must not be inconsistent with the purpose or management objectives of the Preserve ordinance and the activities must serve or further a legitimate public civic or educational purpose.

The special use provisions of Chapter 21 are not intended to permanently permit a special use such as a commercial motorized guided tour. However, Chapter 21 would allow for a temporary trial period for a proposed activity. A trial period would require documentation, reporting and analysis for the purpose of informing decisions in considering long-term allowance of such an activity.

Option 2b – Allow on a permanent basis

Direct staff to return with an Ordinance amendment similar to the Draft language as follows:

Sec. 21-12. B.

(2) No motorized vehicles shall be allowed in the Preserve, except in designated parking areas. This provision shall not be construed, however, to prevent guided "jeep" type vehicle tours that promote educational activities or to prevent the use and operation of a motorized wheelchair by a person who ordinarily uses such equipment, when the person is engaged in activities otherwise permitted in the Preserve.

If the City Council wishes to allow commercial motorized guided tours the permanent basis, it will require an amendment to Chapter 21 of the S.R.C. The above language would also be implemented with the draft trail limits, regulations and selection process described in "Option 2B" (Attachments 2A, 2B and 2C).

RESOURCE IMPACTS

Staffing, Workload Impact

The management and operation of either permanent or temporary commercial motorized guided tours will be accomplished with existing staff.

Cost Recovery Options

Fees will be established for permanent or temporary commercial motorized guided tours similar to those currently in place for non-motorized commercial guided tours. The fees for non-motorized commercial guided tours are \$3.50 per person, with a \$100 initial application fee and a yearly \$50 permit renewal fee.

RECOMMENDATIONS AND OPTIONS

Preserve Commission Recommendation

At their May 2nd and May 30th, 2013 meetings, the Preserve Commission discussed options related to commercial motorized guided tours in the Preserve. The verbatim minutes of the discussions from the May 30th and May 2nd MSPC meetings are in Attachment 3A and 3B. The Commission took the following actions:

- Motion to maintain Chapter 21 in its current form, and to make no amendment to allow commercial motorized guided tours – passed on a 5-2 vote.
- Motion to recommend that a temporary trial period be allowed – failed on a 3-4 vote.

Options for Council direction include:

1. Continue to not allow commercial motorized guided tours. – no further action required
2. Allow commercial motorized guided tours on a:
 - a. Temporary basis – direct staff to implement one-year trial period per attachments 2A, 2B and 2C
 - b. Permanent basis – direct staff to return with an Ordinance Amendment

Proposed Next Steps

Based on direction from the City Council, staff will take the following actions:

- Option 1 – No further action required.
- Option 2a – Staff will take steps necessary to implement a temporary trial period.
- Option 2b – Staff will return to the City Council with an ordinance amendment.

RESPONSIBLE DEPARTMENT(S)

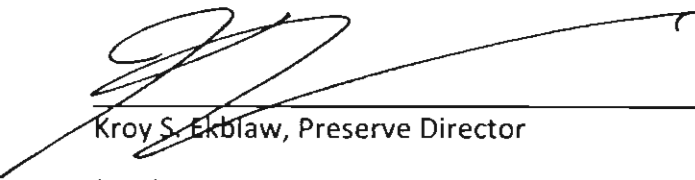
Community Services - Preserve

STAFF CONTACTS (S)

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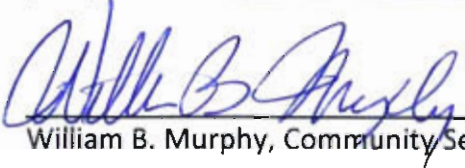
Bill Murphy, Community Services Executive Director, bmurphy@scottsdaleaz.gov

APPROVED BY


Kroy S. Ekblaw, Preserve Director

(480) 312-7064, kekblaw@scottsdaleaz.gov

June 4, 2013
Date


William B. Murphy, Community Services Executive Director

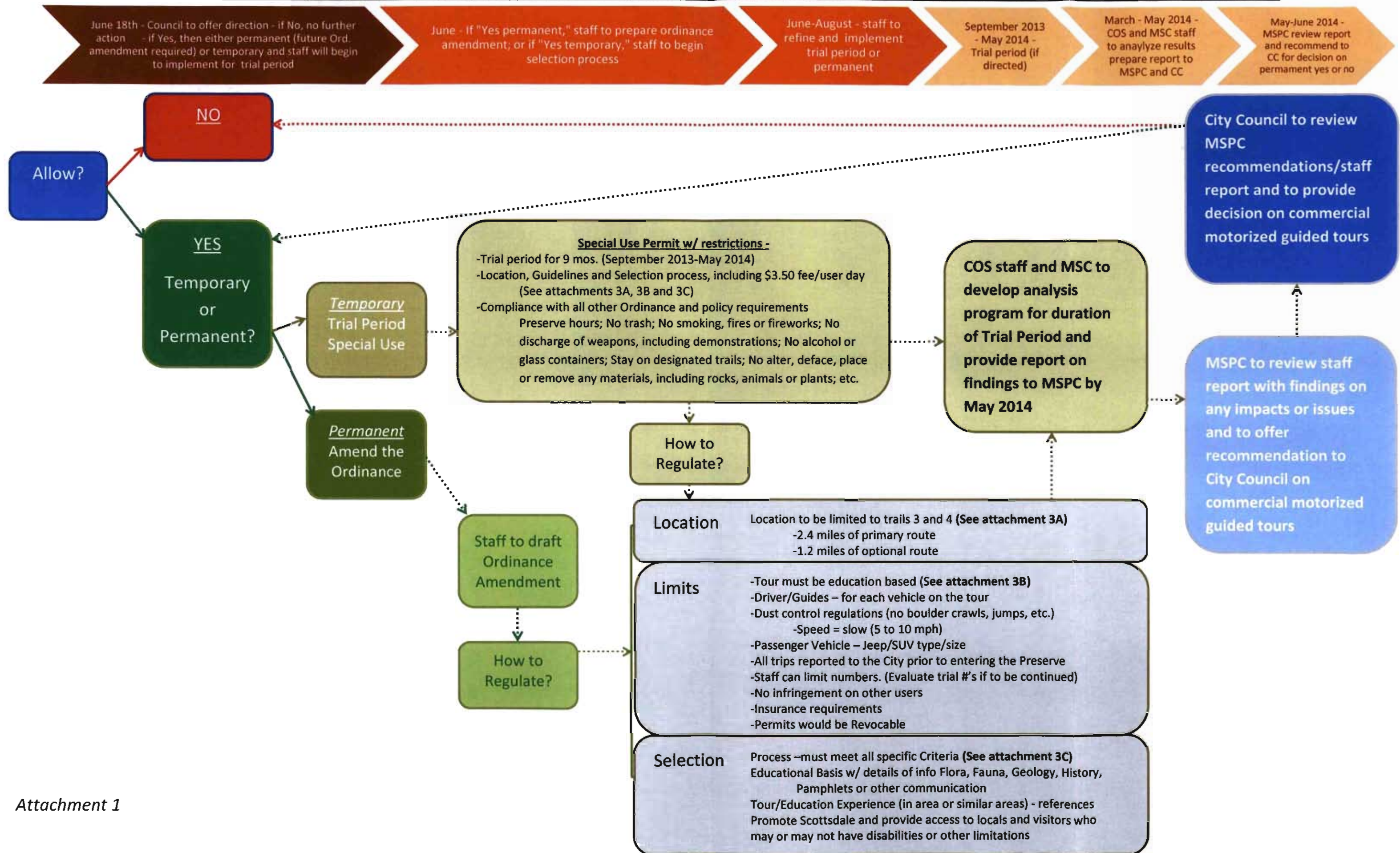
(480) 312-7954, bmurphy@scottsdaleaz.gov

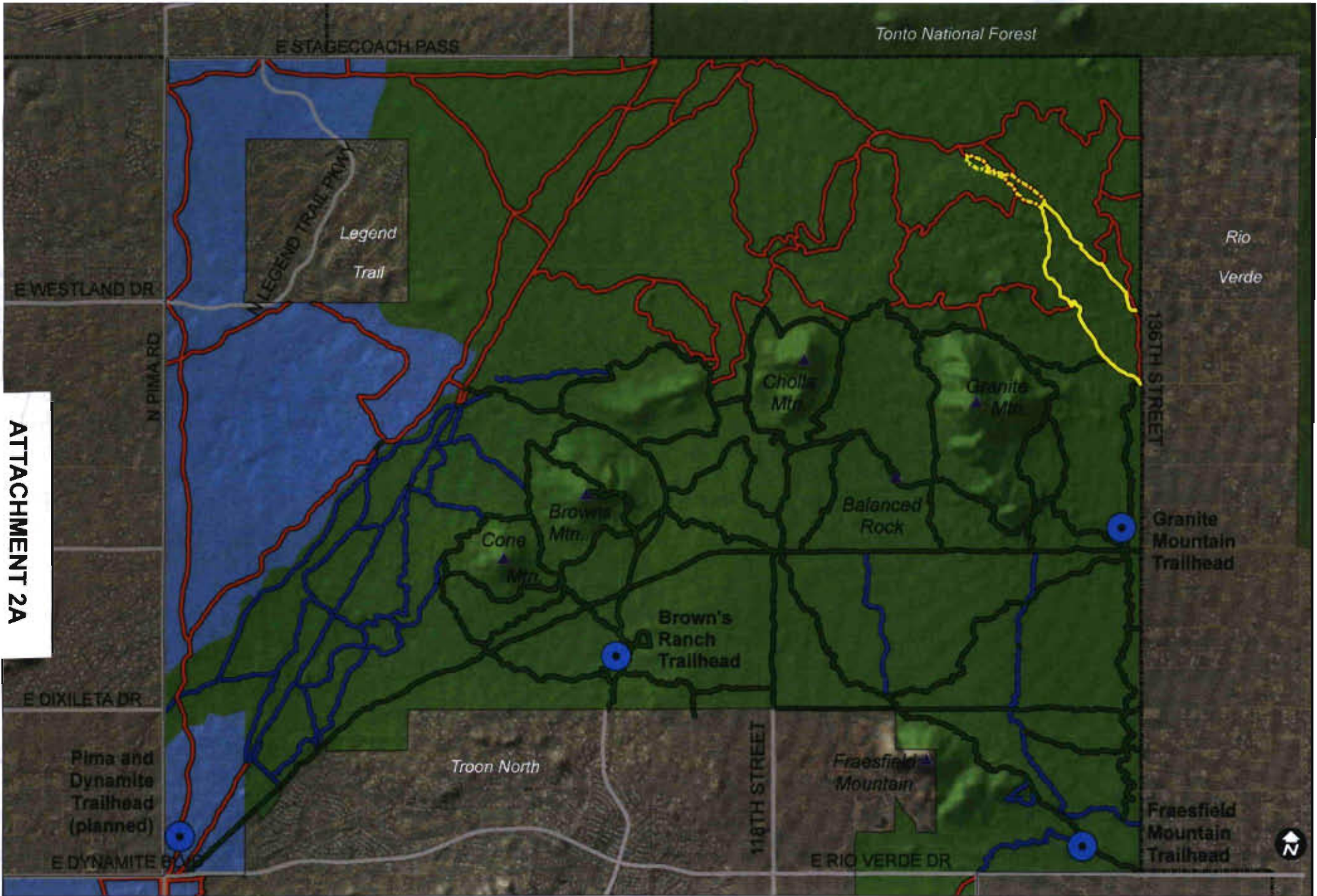
6/4/13
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ATTACHMENTS

1. Flow Chart illustrates the options, timelines and potential regulations/actions
2. A. Map of Tour Limits
2. B. Outline of Tour Regulations
2. C. Outline of Tour Operator Selection Process
3. A. Draft Verbatim Minutes of May 30th MSPC Hearing
3. B. Draft Verbatim Minutes of May 2nd MSPC Hearing

PROCESS OUTLINE AND OPTIONS FOR CONSIDERATION OF COMMERCIAL MOTORIZED GUIDED TOURS IN THE MCDOWELL SONORAN PRESERVE





ATTACHMENT 2A

Routes in the North Area of the McDowell Sonoran Preserve

Map date: May 2013

Trails Status:

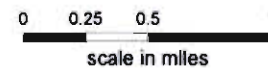
- In Progress (22 miles)
- Existing (54 miles)
- Planned (48 miles)

Trailheads

- Existing Preserve
- Future Acquisition

Previously Approved ASLD Routes:

- Primary (2.4 mi.)
- Optional (1.2 mi.)



Notice: This document is provided for general information purposes only. The City of Scottsdale does not warrant its accuracy, completeness, or suitability for any particular purpose. It should not be relied upon without field verification. Duplication of this map is permissible only upon approval of the City of Scottsdale.



Source: Properties.com, Aerial Imagery, Google Earth, North Arrow, 2013

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ATTACHMENT 2B

CITY OF SCOTTSDALE McDOWELL SONORAN PRESERVE COMMERCIAL MOTORIZED GUIDED TOURS

PROPOSED GUIDELINES FOR 2013-14 TEMPORARY TRIAL PERIOD

DEFINITIONS:

Commercial Use - *Any transaction that is undertaken for or results in compensation, monetary gain, benefits or profit to an individual, organization, or corporation, and that uses the Preserve, or any Preserve resources including, but not limited to, the Preserve name or any images of the Preserve property. "Commercial Use" does not include one-time special uses, which shall be governed by special use permits.*

Motorized Tours - *Education based tour of the McDowell Sonoran Preserve that is conducted in an SUV/Jeep type vehicle(s) with 4 tires and each vehicle is staffed by a Driver/Guide or a Driver and a Guide.*

Preserve Director - *The McDowell/Sonoran Preserve Director, the City Manager or the City Manager's Designee*

Preserve - *Real property designated by the Scottsdale City Council as the McDowell Sonoran Preserve.*

Use Day - *One use day is equal to one paying customer entering the Preserve on one day. Customers may re-enter the Preserve in the same day without being charged an additional use day.*

GENERAL:

These guidelines are for commercial motorized guided tours within the McDowell Sonoran Preserve for the temporary trial period (9/1/13-5/31/14).

Permits will only be issued for commercial motorized guided tour activities for those applicants who have been chosen through a formal selection process and meet all requirements outlined in these guidelines.

Permits are non-transferable and issuance is a courtesy, not an entitlement. Uses are not authorized until the permit is issued.

Commercial motorized guided tour activities must not infringe on the use, access to, or enjoyment of the Preserve by the general public.

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Failure to obtain and have available for inspection a commercial permit for commercial uses of the McDowell Sonoran Preserve may subject the commercial user to penalties as prescribed by law or regulation, including exclusion from the Preserve.

Permits will be for the period of September 1, 2013 to May 31, 2014.

PERMIT REQUIREMENTS:

Applicants selected to conduct motorized guided tours must submit the following materials prior to the issuance of a permit: No activity will take place in the Preserve until a fully executed permit is in place.

1. Completed Commercial Motorized Guided Tour Permit Application
2. Insurance: Evidence of comprehensive general liability coverage will be required and must show the City of Scottsdale as the Certificate Holder, and as Additional Insured. Worker's Compensation coverage may also be required. In addition, a signed hold harmless and indemnity agreement must be on file with the City.
3. A \$100.00 non-refundable application fee must be paid at the time of application for application and administration of the commercial permit. In the event that a permit is issued, a fee of \$3.50 per use day shall be paid to the City of Scottsdale on a quarterly basis. The City reserves the right at any time to limit the number of use days permitted.
4. Except as outlined in the permit, all permittees and their clients must abide by Chapter 21 of the Scottsdale Revised Code which outlines rules and regulations specific to the McDowell Sonoran Preserve. These rules include but are not limited to:
 - Open hours are Sunrise to Sunset
 - All Trash must be packed out of the Preserve. Food and food scraps (fruit peels, nut shells etc.) are considered trash.
 - No smoking, fires or fireworks.
 - No discharge of weapons, including demonstrations.
 - No alcohol or glass containers
 - Stay on designated trails
 - Do not disturb wildlife or alter, deface, place or remove any materials, including rocks, animals or vegetation, alive or dead.

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5. It is also the responsibility of the permittee to be aware of and abide by all other applicable federal, state, county or municipal laws, rules or regulations.

STAFF/PERSONNEL GUIDELINES:

The permittee will employ staff or contract workers with the expertise to operate all services authorized under the commercial permit.

It is recommended that all Driver/Guides be trained in basic safety and first aid, Preserve rules and regulations, and in the requirements of the commercial permit.

OPERATING PROCEDURES:

1. Driver/Guides – Each vehicle on the tour must be staffed by a Driver/Guide or a Driver and a Guide. They will inform the group of all Preserve rules and regulations and has responsibility for the group.
2. Motorized Tours will be conducted ONLY in the area identified on the permit and all vehicles will remain on the identified routes at all times.
3. Vehicles will be SUV/Jeep type with 4 tires and have the capacity for at least 3 passengers.
4. Vehicles will operate at low speeds and not generate dust.
5. Tour content will be educational, with focus on Sonoran Desert flora, fauna, geology and history.
6. Must have a first aid kit appropriate to the size of the group.
7. Must have a fire extinguisher in each vehicle
8. All trips must be reported to the City prior to entering the Preserve.
9. Use Days – A fee of \$3.50 shall be paid to the City for each use day. Permittees shall report actual use days to the City, and pay the appropriate fees on a quarterly basis.

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EMERGENCY PROCEDURES:

All accidents/incidents resulting in personal injury requiring more than first aid treatment, any property damage, or damage to Preserve resources will be reported to the Preserve Director as soon as reasonable, but in any event no more than 24 hours following the incident.

REVOCATION PROCEDURES:

As outlined in Scottsdale Revised code, Section 21-22(g), the Preserve Director or any City of Scottsdale police officer may revoke a permit for a violation of its terms or any violation of rules, regulations, ordinances or state statutes by the permit holder, or any person using the facility pursuant to the permit. In the event of revocation under this provision, the permit holder shall cease the permitted activities immediately. A permit holder who has a permit revoked pursuant to this subsection shall not be entitled to a refund of any fees paid. A permittee who has been revoked may re-apply for a permit, with the application being reviewed at the discretion of the City of Scottsdale.

(Required by 2-221[c]) In any event the City retains the right upon 30 days notice to cancel any permit issued hereunder at the sole discretion of, and for the convenience of, the City.

NO BUSINESS RELATIONSHIP:

By issuing a commercial use permit the City is not becoming the employer, partner or principal of the permittee, and it is not the intention of the City or the Permittee that any partnership, joint venture, master/servant, principal agent or other similar relationship between the parties come into existence. The City is not undertaking any responsibility for, or relationship with, the employees, customers, officers, agents or members of the Permittee, and the Permittee is solely responsible for the safety and operation of its potential activities.

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ATTACHMENT 2C

OUTLINE OF PROPOSED SELECTION PROCESS FOR COMMERCIAL MOTORIZED GUIDED TOURS 2013-14 TEMPORARY TRIAL PERIOD

A selection process that complies with the City of Scottsdale Procurement Code to determine the business or businesses who would be participating in the trial period would occur during the summer, with selections determined by August. This process will take into account the best interests of the Preserve and the City of Scottsdale.

The application to be considered for selection would be listed on the City's Purchasing's website and available for download for a period of time which provides for adequate and reasonable competition.

Respondents to the selection application would need to submit their proposal that describes how they meet all the established selection criteria and provide documentation of that as appropriate. Those responses would be evaluated and ranked on a selection matrix that is outlined in the selection application documents. Applications are evaluated by a selection review team with a predefined scoring system.

Selection Criteria: (not in order of importance)

- Tours must be education based with the subject of these being based on the Sonoran Desert. This should include details on Flora, Fauna, Geology and History
 - Provide outline of education content
- Must be passenger vehicle jeep/SUV type
- Must be driver/guide for every vehicle in tour
- Promote Scottsdale to both locals and out of town visitors
- Ability to provide access/tours to wide demographic variety of visitors who may or may not have disabilities or other limitations.
- Experience with providing Motorized Tours
 - Experience with providing Motorized Tours in this area or similar area
- Compliance with all Ordinances and permit policy requirements (i.e. insurance, stay on designated route, low (5-10mph) speed for dust control, no removal of rocks, plants, animals, etc.)
- Provide experience and qualifications of Driver/Guides
- Provide references from other agencies where tours have been hosted (i.e. State Land Department, Forest Service)



**CITY OF SCOTTSDALE
MCDOWELL SONORAN PRESERVE COMMISSION
REGULAR MEETING**

May 30, 2013

**Florence Ely Nelson Desert Park
8950 E. Pinnacle Peak Road
Scottsdale, AZ 85255**

DRAFT VERBATIM EXCERPT

PRESENT: James Heitel, Chairman
Fred Klein, Vice Chairman
Susan Wheeler, Commissioner
Marg Nelssen, Commissioner
Robert Frost, Commissioner
Con Englehorn, Commissioner
Mike Milillo, Commissioner

STAFF: Kroy Ekblaw
Scott Hamilton
Claire Miller
Robbin Schweitzer
Liz Hildenbrand
John Loleit

GUESTS: Mike Nolan
Jack McEnroe
David Hay
Howard Myers
Rebecca Eickley
Ed Quihuis
Mary Jordan
Bob Stapleton

6. **COMMERCIAL GUIDED TOURS - MOTORIZED** Begins at 5:09; approximately three minutes into the meeting)

MR. EKBLAW: Good afternoon. I'll try not to go through as much detail as I did the last time, since a lot of this is pretty similar information. But we did update the report -- that we provided. We responded to some of the questions and we did go out into the field with the operators and take a look at some of those things, so I'll report on the highlights of some of those items.

One of the questions that I believe Commissioner Frost had asked when we were in the presentation last time was why under the motorized tours was there a need for the special use process and the non-motorized tours was just a permitting process, why couldn't we just do that permitting process? The basic underlying difference is that the non-motorized tours aren't doing something that is expressly prohibited under the rules and regulations, whereas the motorized is regulated to say no motorized tours, and that's the reason for having the special use process attached to this that does allow a process for the Preserve Director to issue a special use permit for something that is in conflict with the rules and regulations. So that's the distinction as to why we were having that.

The question before you, again, is -- I was saying this the last time, the question is whether to allow motorized tours. If the direction of the Commission is to not go forward with that, then there is no further action required. As we did mention last time, we would expect this to go to the City Council and we're prepared to take that as early as June 18th just to get the answer for the operators as quickly as possible. Should the interest be towards yes, there is the temporary or the permanent. We did include a very simple draft from our City Attorney's Office and the Preserve staff on what a permanent and amended Ordinance could look like; a very simple exception clause within there as one option. If the interest were in the temporary, then we were talking about the special use permit process, very similar to what we talked about a month ago; a nine-month period. There would be location and limits and selection process, the requirements for compliance with the Ordinance and other policy requirements, and that if we were taking that direction we would proceed to put that in place by September of this year and it would run through May of 2014 and that we would evaluate it over that period of time and be prepared to come back about this time next year or earlier in May of next year to report on the findings of the process being in place.

We have a presentation real quick. All right. So as I mentioned, we did do a little bit of what's in the limits to the location. The discussion that we had, we went out into the field with representatives of the operators and took a look. And so this, just to put it in context, is the area essentially north of Dynamite. We have in green 54 miles of existing trails that have been updated in the past few months and some of the blue here, another 22 miles in progress, and then in red is another 45 miles planned that will probably be next year or the following, depending on timing. So 120-some miles either existing or planned. And what we did here is just highlight that these are routes in yellow that have been drivable. And that's about 35 miles, you know, prior to the Ordinance being in place within the Preserve. And in reviewing the area and the tour routes of the operators, we're talking about this location here -- this is Trail Three and Trail Four coming off of 136th Street, and this is the Dove Valley alignment from right here, and this point is a little over a half-mile north of Dove Valley. And the primary yellow here represents about 2.4 miles for that. And then we've shown this additional mile in -- or 1.2 miles, end loop as optional. And I'm going to go to a blow-up here. We'll zoom in to this area and it's going to switch over to an aerial graphic here. So this is the same 2.4 mile primary route and then this is the optional.

And what we've talked to the operators about and everyone would be comfortable with is that we would restrict the route to one way, so that you'd never have vehicles coming at each other if there were multiple tours. And the reason for the optional is really two reasons: is this area right here, this turn point in rainy weather can catch water and become a bit of a mud bog. And instead of forcing vehicles to go through that area, the idea is that you would come up to this turn point in that situation. And then this next graphic shows areas where there have historically been stops for tours and there's trails or there's wide spots. This section of Trail Three is all wash. Not quite as wide as the Rawhide Wash for those that are near that, but it's still very wide and room for a jeep to pull over and not block the way. So you've got -- this is a fairly large group could stop here, and a large group could stop here.

If there were already operators -- if there were a couple of operators going and there were two at the same time, the idea for having this one here is it's an optional for a smaller group to not have to conflict with another group. This would be a smaller group and this would be a larger group. So there's three larger group areas and two smaller group areas that were identified as kind of being historically typical places where they'd pull over, stop and get out, discuss plants, discuss the views, whatever the case might be. Each one has some different settings and those were all the locations that we identified with regards to that. So that's pretty much the physical aspects of this.

Within the sections on the limitations, again, we've kept it to the tours must be education based, we have a driver guide with each vehicle, there would be dust control regulations and that's the slow speed -- and having driven my own vehicle on that as well as ridden in the jeep, there is no high-speed opportunity with the condition of that road -- the passenger type of vehicle, the jeep SUV type, all trips would be required to be reported to the City, the staff would reserve the right to limit further numbers if during the course of operations we determined there were issues. As well, there is the revocability that remains with all special use permits. And then the selection process would be one that, again, would be looking to meet all of those criteria. And that's the summary of what we had put together.

Doreen (O'Connell) was not able to make it tonight and I'm not sure if this letter got to you guys in a direct format or if I missed it?. This is something that she had gotten from previous managers for the State Land Department. It's his experience in dealing with the jeep tour operators up in that area.

I have received a couple of questions ahead of time as to previous discussions of the Preserve Commission or the Council with regards to jeep tour issues. We've not done an exhaustive search in all of that. I'm certain that it would have come up in planning committee meetings and discussions over the years, keeping in mind, of course, that some of those earliest discussions in the early to mid-'90s were more about the original boundaries of the Preserve, south of the McDowell Mountains themselves, and so minor, slightly different context at that time. I did find the application to the State Land Department for the classification of the northern lands and within it, since those operators had existing SLUPS, you had to address that issue. The language more or less referenced them, noted that our Ordinance by that time was regulation of motorized, but that the issue of jeep tours would be addressed in the future as to whether it would not be allowed or whether it would be allowed on a limited basis. And so that's what -- it was addressed in the application in that regards.

As far as Ordinance, there had been an Ordinance and I didn't find the exact date, but somewhere in the mid-to late 90's, we thought '97, '98, that was applied for all trails citywide and

As far as Ordinance, there had been an Ordinance and I didn't find the exact date, but somewhere in the mid-to late 90's, we thought '97, '98, that was applied for all trails citywide and that included what Preserve trails we had, very limited at that time. But there were concerns if we had motorized occurring on other trails throughout the city and we did apply a restriction on motorized citywide at that time. The enactment of the Ordinance then made the overall statement to the Preserve of no motorized.

Now, I didn't get a chance to review minutes of all the Council meetings leading up to the Ordinance and so I don't have a sense of whether there was specific discussion on that particular issue; did that get pulled out and further discussed? I'm somewhat doubtful that it did, only because in the previous action of a couple of years earlier, it had put the no motorized on trails. And, again, most of what we owned at that time was the mountains, parts of the mountains, and we had just within a couple of years then identified the intent of acquiring the northern parts of the Preserve. So there's that.

Specific to more recent time, there is discussion that occurred in the joint meeting of the Preserve Commission and the Parks Commission in August of 2009 that was specific to the north area and the SLUP to be applied on all of the remaining State lands, which at that time was closer to 13,000 acres north of Dynamite. And one of the closing comments by Commissioner Carla was one that spoke to the jeep tours and the interest of allowing limited grandfathered for the jeep tours. Now, again, that's to the SLUP; it didn't go further into what would happen in the future when it's acquired and in the Preserve, but there was an interest in a limited, almost trial, basis that would be managed by the City, because the intent of the SLUP at that time was the City would take over the SLUP and we would then manage the individual SLUPs of the individual operators. So that would give us an opportunity to manage that. And so that was -- that was where some of the grandfathering discussion that I'm aware of was clearly talked about. Because at that point we weren't owning the land. We would have been taking the SLUP from the State and then sub-licensing to both the equestrian operator and the three jeep tour operators the ability to operate out there. So we would have managed that in lieu of the State managing that. So there was that discussion.

When the SLUP finally came through here this past year, that wasn't a point of discussion, because we had acquired all of the lands that the jeep tour operators were operating on, so there wasn't a need for that discussion.

So that's the sense of history that I have in reviewing minutes. But, again, it was not exhaustive and I'm sure there are other -- I'm sure there were other discussions that I did not find.

CHAIRMAN HEITEL: That joint meeting you were talking about, that was the one held at Granite Reef --

MR. EKBLAW: Yes.

CHAIRMAN HEITEL: -- wasn't it, with the Parks? Okay.

MR. EKBLAW: You were a speaker --

CHAIRMAN HEITEL: Right. Yeah. Right, exactly.

MR. EKBLAW: -- and Commissioner Frost was the chairman on the Parks Commission at that time. Ms. Wheeler was on board at that time. So yes.

CHAIRMAN HEITEL: Wasn't there a sense from both the Parks, because there was a large contingency of the dirt bike people there, that that was absolutely not anything that anyone was interested in?

I do remember what, you know, Carla individually talked about.

MR. EKBLAW: There was absolutely no support for dirt bikes, quads, and public jeep access.

CHAIRMAN HEITEL: Right.

MR. EKBLAW: What there was was an acknowledgement of finding a way to allow them to do jeep tours. And, again, it wasn't the voted on statement, but it was a statement and there were no counters to that from the joint Commissions in that hearing.

CHAIRMAN HEITEL: And you don't recall any -- I mean, you weren't Director then -- but any recollection does anybody have when the Council passed that Ordinance, the Preserve Ordinance as it stands today, that -- was there any discussion at that time about pros and cons of jeep tours and whatever?

MS. MILLER: Chairman, I can remember -- again, we'd have to go back on the notes to verify --

CHAIRMAN HEITEL: Yeah.

MS. MILLER: -- but the general discussion was still standing to the no motorized vehicles. It didn't really go specifically into the jeep tours at that point in time. They acknowledged that they were out there, but when we were writing the ordinance it was not -- there was really no specific discussion that I recall. But, again, we could go back on some of those notes and investigate that.

CHAIRMAN HEITEL: Yeah, just a recollection. Okay.

We've got a couple of questions.

VICE-CHAIRMAN KLEIN: I just wanted to refresh my memory; when was the Preserve Ordinance adopted? What year?

MR. EKBLAW: 2000.

VICE-CHAIRMAN KLEIN: 2000. So it's been on the books for 13 years now. Thank you.

CHAIRMAN HEITEL: And unamended, right?

VICE-CHAIRMAN KLEIN: Unamended.

MR. EKBLAW: No amendments.

COMMISSIONER ENGLEHORN: Was there ever a blanket policy -- you mentioned policy about no motorized vehicles discussed, and was there a blanket over parks and any trails in Scottsdale about no motorized?

MR. EKBLAW: There was the Ordinance that was done in '98.

COMMISSIONER ENGLEHORN: Okay. And that covered the whole --

MR. EKBLAW: That covered all trails.

COMMISSIONER ENGLEHORN: All trails in the city of Scottsdale?

MR. EKBLAW: Right.

COMMISSIONER ENGLEHORN: Okay.

MR. EKBLAW: I think that's since been revoked or rescinded, because we had the Preserve Ordinance. And I'm not sure what we did with other trails. Or maybe it is still there.

COMMISSIONER NELSEN: I think it might still be there.

MR. HAMILTON: That's still there, because that's the Ordinance that's cited on like the trail out on Via Dona.

MR. EKBLAW: Right.

COMMISSIONER WHEELER: That was more for horse trails. I mean, that was really the horse community was involved in that.

MR. HAMILTON: Was that Cactus Corridor, those trails?

COMMISSIONER WHEELER: Yeah. It was more for horses, and they put things so horses could walk through and the motorized couldn't get onto the trail.

COMMISSIONER ENGLEHORN: All right. So there was a blanket no motorized vehicles for the city of Scottsdale in '98?

MR. EKBLAW: That's right.

COMMISSIONER NELSEN: On trails.

COMMISSIONER WHEELER: On trails.

MR. EKBLAW: On trails.

CHAIRMAN HEITEL: And that was before the Ordinance. Okay. Well, that helps.

MR. EKBLAW: And just to clarify back to the joint meeting and that statement by Commissioner Carla, that was the basis by which we then worked for, you know, what would be four years with

the idea that we would allow a limited jeep tour under the SLUP. But, again, the SLUP -- we acquired the land before we ever got the SLUP on it.

CHAIRMAN HEITEL: Yeah, we never --

MR. EKBLAW: But that was the direction we were working towards.

CHAIRMAN HEITEL: We never got the SLUP.

MR. EKBLAW: And we had some discussions. There were a couple of discussions with the Preserve Commission in ensuing years, but, again, we just never got to that point where we could implement it in that format. So.

CHAIRMAN HEITEL: Right. Right. Okay.

COMMISSIONER WHEELER: Chairman.

CHAIRMAN HEITEL: Oh, yeah?

COMMISSIONER WHEELER: I remember some of the discussion was that there wouldn't be any Sonoran Desert left for anybody to enjoy and that the tourists helped -- bought it. And that's why the jeep tours were included in everybody's thought that was on the Commission at that time.

MR. EKBLAW: There's certainly recognition of tourism and they were a partner early on in those discussions. So yes, that would be -- that would be found in the discussion.

CHAIRMAN HEITEL: Okay. Oh, yes?

COMMISSIONER NELSEN: So when you picked -- did you say it's a 2.4-mile trail?

MR. EKBLAW: Uh-huh.

COMMISSIONER NELSEN: And does that include the broken part or that's an additional?

MR. EKBLAW: That's an additional 1.2.

COMMISSIONER NELSEN: 1.2.

MR. EKBLAW: But that would only be used under optional -- under situations of rain or if you had more than one tour at a time.

COMMISSIONER NELSEN: Okay. So 3.6?

MR. EKBLAW: 3.6 would be your total.

COMMISSIONER NELSEN: And that's -- in the total Preserve, that's what you considered?

MR. EKBLAW: Yeah. And just to clarify, there has also been access up this route up here and there had previously been access up to this point under the operations of the State SLUPs. And

so those are all removed by this. And that as in agreement with -- in discussion with our operators that they were open to the proposal of this restricted route.

CHAIRMAN HEITEL: Okay. Yeah?

COMMISSIONER WHEELER: When they were using the land when the State owned it, how long did they take the people out for and how much area did they take the jeep out on?

MR. EKBLAW: This area in yellow, including the back, was all included in that route. And then, Scott, I don't know if we actually did a count. This additional area here and here would probably account for another six to seven miles, so that was what was included in that. As far as the time, whether the operators when they speak as to -- I think tours vary as to whether there's a two-hour or four-hour window, but they can probably better speak to the variations of the tour than I can.

COMMISSIONER WHEELER: What time frame would that tour that you have outlined there be?

MR. EKBLAW: I think they'll tell you that it will vary by a three- to four-hour window or it could be a little longer if you go out on a hike on one of the trails. I heard different things from folks. So they'll be able to clarify that when they speak their points. I'd rather have them on the record indicating how long their tour is than myself.

CHAIRMAN HEITEL: Good. Any other questions?

All right. I have three speakers. Bob Stapleton.

MARY JORDAN: I'm going to go first, if that's all right.

CHAIRMAN HEITEL: I don't have -- I've got a card for Gary.

COMMISSIONER WHEELER: No. Mary.

MARY JORDAN: That's me.

CHAIRMAN HEITEL: Oh. Okay. Mary. I'm sorry. Okay.

MARY JORDAN: Is it all right?

CHAIRMAN HEITEL: Yeah. Okay. I just couldn't read it.

MARY JORDAN: I'm with Wayward Wind. My husband and I have owned the company since 1990. In 1997 in that time frame we became aware of the Sonoran Desert Preserve and what they intended on doing. We met with the Commission. We spoke with Commissioners and they always said there was only going to be the McDowell Mountain area, it wasn't going to be anything north of Dynamite; never was it going to be north of Dynamite. And then every year we'd hear more and more and every year they said "Don't worry. We're not going to include you in this. We're gonna make a place for you."

And so what we've -- I want to just show you what Kroy was indicating. There's three companies, right, so one company works down here, two companies work on this trail here. We're talking about a three-hour tour, once a day, sometimes a day -- hardly ever does that happen -- three times a week. Never -- we never have anything five times a week. We're lucky if we get three tours a week.

Now, in order to compromise with the Commission, we have indicated that our competition would share with us. So the three competing companies in the past are now going to share this area in order to make it more amenable to the Commission.

We understand that you're concerned about the wildlife; whether the vehicles are going to impact the wildlife. As you can see, 136th Street runs right there. If there's any impact to wildlife from motorized vehicles they're gonna hear it right here; the sound travels. So us going in a mile isn't going to make any difference to the wildlife. We still see wildlife. We have wildlife. We see it out in the area. Nothing we've done has ever scared away wildlife.

My only concern, and I'll end with my three minutes, is that this area is spectacular. It's a beautiful area that we've preserved and we have taken people out and educated them about the desert so that they would understand how important the desert is. I had spoke to the City Council recently and explained to them there's a man that is 85 years old that called me up, he's dying of cancer and his daughter wanted to get him out here. And now if there's no motorized vehicles allowed, this man, taxpayer all his life, would never even be able to go there. He can't get there, he can't have anybody carry him there and this would be the only way that he could experience that area.

Okay. So that's one person, but just the thought that somebody is not going to be able to experience this area because of motorized vehicles that we were promised were going to be allowed to be in there is quite unfair. Thank you.

CHAIRMAN HEITEL: Thank you, Mary. Bob Stapleton.

BOB STAPLETON: I'm gonna bring myself a chair.

CHAIRMAN HEITEL: Okay.

BOB STAPLETON: Six weeks ago, I spent ten days at the Mayo Hospital with viral pneumonia and about died; I'm not over it yet.

CHAIRMAN HEITEL: Sorry to hear that.

MARY JORDAN: He's not contagious, though.

CHAIRMAN HEITEL: No.

BOB STAPLETON: I've got some answers for any questions you might have.

Jesus they say taught in parables. I don't presume to be Jesus, but I can do metaphors and anecdotes well enough.

How was the book?

CHAIRMAN HEITEL: It's a good book.

BOB STAPLETON: Good. Thank you.

The animal thing first comes to mind and I'm gonna give you an anecdote about that to illustrate the point. It's kind of humorous.

We had in this particular instance taken the inverse course and gone backwards on it. That last leg, if you go the inverse there's an area along there where you go down the wash a ways and then it turns off to the right. Your vehicles will get spread out a little bit; one of them will get out ahead of you out of sight and one of them's out of sight of you behind you. We had taken the inverse course that way and I had just answered a question from somebody and they said "Oh, my God, look" and I turned around. And what happened was we were just poking along, another vehicle ahead of me had gone on the bend, there was no space there, a mountain lion just took off and she just trotted right across the track in front of us and never even paid us any attention. And I slowed down and let her go by. I go "Oh, my God, a mountain lion." She was a big one, too. She was a big one, too. Appreciating the fact that she was probably watching us while we were out afoot. Just that's exactly where she came from to get down across it. They're there and they don't mind it a bit.

You know, I'll be 65 the end of the summer. When I came here I was a blacksmith. I bought, sold, and traded, and trained horses and it was an easy transition to cowboy and I cowboyed in this country on horseback before there was any Dynamite Road or any golf courses or any of the rest of that. I was a contract packer in the wilderness across the river; that was my office. I got an intimate understanding of this country and an interest in this country. And I have to tell you, since I've heard so much discussion about this thing I've heard an awful lot of people advocate about the desert, about what they want to do with the desert – what they want to do with the desert – but I'll be damned if I've heard anybody advocate for the desert – for the desert – just be a mouth for the desert, and, frankly, I'd like to wear that mantle today. I want to be a mouth for the desert. I've been here a long time; she's been good to me.

I'm gonna get off the track a little bit, but I'll make it relevant to you. I'll make it relevant to you.

CHAIRMAN HEITEL: Remember we do -- you know, we do have other comments.

BOB STAPLETON: I'll try to make it relevant to you.

CHAIRMAN HEITEL: Yeah.

BOB STAPLETON: This country has been good to me. I come here 42 years ago after the war. I was in the bush a long time. My brother over there knows exactly what I'm talking about. You don't have to be on top of a mountain in Idaho to be in the bush; you can be in the bush right here among a lot of people and I was a long time. I came out of that because I felt it necessary back in 1980 and I lobbied for the veteran movement for four years. A lot of people died; terrible times. But I cowboyed and she gave me a home; she gave me a place to be for years while I healed from a bad time.

I'm not sure that a lot of people know a lot about this desert, frankly. I don't know how much you know about this desert. I just know how much I know about this desert. This is my sixth season

doing this and there's some numbers I'd like to share with you so you can think about a broader picture of this. There have been some discussions about tourism and its importance to the economy, its importance to Scottsdale specifically. We've got numbers enough to figure out that our business has been off about 40 percent this season -- this season. For a couple of years now I've been hearing -- and, by the way, my degree is in agribusiness and resource management, so I kind of straddle between a business degree and agriculture and all that that implies; animal science, plant science, everything that is involved in this. And my own personal interest as a lifetime historian, for God sakes, and in anthropology and all the ologies that go with it. We think we've got a pretty good crowd. We think we've got a pretty good crowd that can teach people in a very short period of time. And to clarify the point about the time, people don't have the stamina for much more than about a half a day, breakfast to lunch, lunch to dinner. They just kind of go to sleep on you after five or six hours, so four hours is about the top end of it. Pick them up after lunch, get them back before dinner. Fine.

Depending on where you pick them up, the hang time might be pretty short. If it's down in Phoenix it might take you the better part of an hour to get up., the better part of an hour to get back; you've only got a couple of hours of hang time. If it's up here in north Phoenix, well, it only takes 30 minutes, or 20 minutes, or 25 minutes; you've got more hang time. So that will give you an idea, but about four hours. All that's teaching.

CHAIRMAN HEITEL: Could you kind of start putting it together?

BOB STAPLETON: All that's teaching.

The other part of it is to say that I'm sure that reflected in the City's records is that tourism -- tourism revenues are off, definitely off. And that component pretty much goes across the board to our foreign visitors. We saw almost no Germans, Englishers, French, Scandinavians, whatever this year. They've been telling me for a couple of years when they -- they're businesspeople and they like to talk about business - that there was gonna be a world-wide recession and that at some point there was gonna be a drift off of monies and they would stop coming. They have stopped coming. Now, I don't know how long that's gonna last, but it will be for a while. It used to be a lot busier on here, but I'd like to make the point that ya'll have -- ya'll have -- this is the desert speaking. Ya'll have opened up a lot more ground on here than we've ever used at all and yet we've taken thousands and thousands and thousands of people just since I've been there, six years -- they've been doing this for 15 years -- up on a place and never harmed it at all. And that's the message we want to get across.

CHAIRMAN HEITEL: Thank you.

BOB STAPLETON: We'd like to help the desert and we'd like to help you to help the desert. I personally want to help you to help the desert.

Do you have any questions? Anything? Any little thing you -- niche you want filled in?

CHAIRMAN HEITEL: Any questions for Bob? All right. Thank you very much for coming and I wish you a speedy recovery.

BOB STAPLETON: Well, you know, before I went to college I thought shit happened and then I went to college and discovered defecation occurs. It doesn't matter what you paint the basketball, it's still a basketball.

CHAIRMAN HEITEL: Yeah.

BOB STAPLETON: But I'll be back.

CHAIRMAN HEITEL: Watch your cord there. That we can count on.

BOB STAPLETON: I know. Thank you.

CHAIRMAN HEITEL: Thank you very much.

BOB STAPLETON: All right

CHAIRMAN HEITEL: I have one more card here. Howard Myers.

HOWARD MYERS: Thank you. Howard Myers. 6631 East Horned Owl Trail. Very contentious issue. I was on the planning subcommittee all those years when those discussions took place and on the Preserve Commission a lot of them also.

I support tourism and the jeep tour operators and am in support of tourism. I know how critical that whole thing is to the City. I did an analysis to prove just how critical it was. However, while I'd like them to continue to be successful and continue their operation, I don't think they should be doing it in the Preserve.

Whatever discussions took place about them being up there and all of that, that was years ago when we had virtually no chance of acquiring the north land, so nobody was really concerned about it; it would go away on its own because it would remain State land. Even under the changes of the State constitution, it would have remained in the hands of the State; it wouldn't have been in ours. But now it's in the Preserve, it's a different matter and one that you have to consider.

Any motorized operation in the Preserve is prohibited by Preserve Ordinance for good reason. And we spent a lot of time discussing all of that. And they are prohibited on the trails for good reasons as well. Allowing any motorized activity, no matter how you do it, and any ways that Kroy had to try to make it happen, it's just going to open the Preserve up to other motorized activity. There's no way around that.

You can't restrict it to just say some users have the right to be there and others don't. That'll never fly. Lawyers would just rip you apart. There are other jeep tour operators already interested. There are tour operators that do tours by all terrains and dirt bikes. How are you going to keep them out once you've allowed, you know, jeeps to go in there?

Once you open this door we'll never be able to close it. And, you know, I always say and it's always been said: This is a preserve, not a park. You have to recognize there's a difference. There's some things that just don't make sense in a preserve.

Other jeep tour operators in areas that are sensitive like this have gone out and made deals with the Forest Service to ride on their roads, which already exist and that's an alternative. I know they've had trouble doing that, but that's what most other people do.

They will bring this to the City Council no matter what you decide and probably June 18th or whatever Kroy says it is. It's your job, though, to advise the Council what's best for the Preserve, not to figure out what's best for this guy or that guy or somebody else, but what's best for the Preserve. I mean, that's kind of why you're in existence. They'll make the decision one way or the other. They may say okay, we'll allow them to be in there. But at least the recommendation should be why -- why does it not make sense to have them in there; and the Preserve Ordinance is a great start.

Your recommendation should include any and all reasons why it makes sense to allow or not allow this use in the Preserve and it should be based on the intent of the Preserve and the Preserve Ordinance. It's crucial to protect the integrity of the Preserve. Opening the Preserve up to uses that were specifically denied will simply open them up to all sorts of other uses. The next guy will come in and want to do something else, like having a banquet in there or opening concessions; all of the other things that we were worried about.

A compromise to this whole thing would be to allow them on a temporary basis to continue for a set period, like a year, while they find either someplace else to go or find a way to do their tours that's consistent with the Preserve management and Preserve Ordinance. And we've discussed some of those in the previous meetings. I think that we have to at least look at those alternatives seriously and not just say we don't want to do them, because there are ways that you can conduct tours in there that would be consistent, like horse drawn stuff or horseback riding. Those are all consistent with the Preserve Ordinance.

So I hope you'll think about all of that and most of all remember that it's a preserve, not a park, and this is all in the Preserve now.

Thank you.

CHAIRMAN HEITEL: Thank you, Howard.

Any questions, comments, thoughts from anyone.

COMMISSIONER WHEELER: Yes, I'd like to.

CHAIRMAN HEITEL: Okay.

COMMISSIONER WHEELER: Kroy, is it true that if we open this up to the jeep tours that it opens it up to everyone else with motorized vehicles?

MR. EKBLAW: In visiting with the City Attorney's Office, we believe that we can restrict this to being the jeep-type vehicles and being required to having a driver and a guide, not self-driven, not on a quad, not on a motorcycle. I'm not going to say that others -- that, you know, some of those types of operators wouldn't request or wouldn't challenge that. There's certainly been those interests in the past, so I wouldn't disagree that there would be that interest, but we do believe that it could be restricted to the types of jeep tour operators that we've been talking about.

CHAIRMAN HEITEL: Thanks, Suzie. Questions or comments? Go ahead.

VICE-CHAIR KLEIN: Yeah, I spoke at length on this subject last time and I don't want to do it again. I agree with most of the things that Howard said, so I'm not going to repeat what Howard just said. I think it's worth saying, though, that, you know, Preserve isn't just a label that somebody happened to slap on a big piece of desert. It means certain things and those things are embodied in the Preserve Ordinance. And we'll remain a preserve as long as we're willing to stand up for the Ordinance. Regrettably, that means saying no from time to time to people who want to use the desert for their own purposes, and I think this is one of those occasions.

Every time I think we say yes to a request like this, it's going to be harder to say no down the road. There are others in the community who have plans for the Preserve that involve changing the Preserve Ordinance. And I'm not talking about some hypothetical, far distant future occasion, I'm talking about the next item on our agenda tonight and I think we ought to keep that in mind when we vote here. We're not just voting on jeep tours, we're voting on whether our Preserve has integrity and if it does, well, we'll stand up for it. If you start changing it, there's no logical place to stop.

So I'd like to move like I did last month that we recommend to the Council that the Preserve Ordinance remain unchanged on the subject of motor vehicle use.

CHAIRMAN HEITEL: Okay.

COMMISSIONER ENGLEHORN: Second.

VICE-CHAIR KLEIN MOVED TO RECOMMEND TO COUNCIL THAT THE PRESERVE ORDINANCE REMAIN UNCHANGED WHERE IT HAS TO DO WITH MOTORIZED VEHICLE OPERATIONS IN THE PRESERVE. COMMISSIONER ENGLEHORN SECONDED THE MOTION.

CHAIRMAN HEITEL: We've got a second with Con. Any discussion, comments?

COMMISSIONER WHEELER: Yes, I have a comment.

CHAIRMAN HEITEL: Uh-huh.

COMMISSIONER WHEELER: I feel that the jeep tours are stewards of the land probably more than most people. They value that desert out there and they're educating people. People who come here -- I mean, I've had clients come and they see the desert and they want to know if we landscape it; it's so beautiful. People have never been around this type of trees and what the desert is, they haven't been around it. And so the Preserve is also an opportunity to share the Sonoran Desert with man and with people without disturbing it, without hurting it and I think the jeep tours are good stewards.

Now, if we did it temporarily until we looked at maybe there would be other ways that it could be done, that's an option. I was wondering if we open this up and allow this, does this open up our Ordinances so that we get the DDC in here, they come in and change something? I mean, could something like that happen at the same time that we open -- go to change our Ordinances?

MR. EKBLAW: Kind of two questions in there. The temporary is not an Ordinance amendment.

COMMISSIONER WHEELER: Yeah. It would just happen, yeah. Okay.

MR. EKBLAW: That would just be a staff administered process for the next year. We'd bring it back in a year for that discussion.

The proposal that we drafted as an option for an Ordinance amendment would only address that piece of it. You would send that in essence as a recommendation to the Council. That's the only thing that Council could act on that evening.

Now, the Council could say, gee, we'd like to consider something else, whether it's the Discovery Center or something else, but that evening alone they couldn't introduce an amendment to the Ordinance and approve it. They would have to introduce that they would like something else added; and that would be brought back. It could be sent back to you for review and recommendation or they could ask for it just to come back to them. That would be their prerogative. Typically, they would send it back to this commission for review and recommendation.

So although, yes, the option is always there for --

COMMISSIONER WHEELER: But they could always do that any time.

MR. EKBLAW: That's correct. They could next week ask for an Ordinance amendment to be brought forward and come through the Commission. So that doesn't alter this.

So what was drafted was intended to only apply to this and we believe that it would be restrictive to the question that you asked.

COMMISSIONER WHEELER: One other thing. The pure sense of this 15,500 acres, it might be less than that, I don't know what we've -- you know, that's how much was out there State land to begin with, I think, wasn't it, 15,000?

MR. EKBLAW: Well, it was actually 19 --

COMMISSIONER WHEELER: Nineteen?

MR. EKBLAW: -- but we've acquired close to the 15.

COMMISSIONER WHEELER: Yeah. Well, when I was on the task force -- I was on the McDowell Mountain Task Force and the desert wasn't even included in it, it was just for the mountains. And then we started expanding it and looking at it and so then we came to this State land. And I was on the task force for it and they only wanted to preserve half and let half be developed. So you have to understand, a real fight was put on to preserve all of this and there was just a couple of us that really put forth the effort for that, because other people wanted to just develop half of it and then let them pay for the desert, because we didn't have the money.

And where we are today is just absolutely incredible. This is such a small portion. But the DDC can say the same thing; this is such a small portion of the Preserve. You know, they could say the same thing to put the DDC in there. And when I heard that they could pay for that out of our money, because it's like a staging area, that really bothered me, because it's not a staging area,

it's a commercial enterprise that wants to go into the Preserve. And I'm really more against that than anything.

If this would cause that to happen in the Preserve, I wouldn't want the jeeps to be in there and I'm very passionate about the jeeps being in there. So I think we should do the trial. But I just spoke in his --

CHAIRMAN HEITEL: Thank you. Bob.

COMMISSIONER FROST: Mr. Chairman, I'm going to vote against the proposed motion. Not that I'm -- I am not interested in changing the Ordinance, but I am interested in the one year, nine months, actual operation with the trial in order to give these business people an opportunity to create a way, to make deals with the carriage companies or with other people that can meet them out there with their jeeps. They can drive in on their jeeps, meet on 136th Street, take a horse-drawn carriage, take some kind of an equestrian or bicycle -- I didn't think about the wash, but there are probably some solutions to allow them -- knowing that we're not going to change the Ordinance if that's the purview of the Commission to make that recommendation to Council. But give them a year to develop a business plan so they can retain their business and provide this service in a new way; in a new creative way.

So I'm going to vote against Fred's motion at this time because I'd like to see the temporary option.

CHAIRMAN HEITEL: Great. Thanks for the comments. Con.

COMMISSIONER ENGLEHORN: I don't think anybody here will debate about the stewardship of the tour people; it's been good. I don't think we're here to debate about their character and their stewardship; we're here to look at the Ordinance.

And when you just look at the Ordinance cold, you think they must have really been serious about non-motorized, because it's mentioned at least four times directly in the Ordinance: No motorized vehicles. The second item on the form under definitions said for non-motorized recreational activities only. And there we have it again.

It was the intent of the people that were voting for the Ordinance that it would be non-motorized. I think that's obvious. And I think we owe it to the City Council to support the Ordinance as it is written.

I don't want -- I don't see -- and I don't understand what a temporary trial period is. That's meaningless to me. When's the end of it; do we have a date?

MR. EKBLAW: Yes. It would be May of next year.

COMMISSIONER ENGLEHORN: And what's supposed to be accomplished by then?

MR. EKBLAW: Well, they would be allowed to -- those that go through a selection process and qualify would be allowed to operate starting in September and would run through May. And during that time staff, and we would also work with the Conservancy to observe, evaluate, monitor, and document any pros or cons that might come about during that, and we would report back on that as to are there any recommendations. In a consideration of should it be

allowed or not permanently, we would produce any recommendations that would come out of that assessment report.

COMMISSIONER ENGLEHORN: That sounds like a huge amount of monitoring and I know you guys have a lot of other things to do. So I'm going to vote in favor of Fred's motion.

CHAIRMAN HEITEL: Okay. Anything?

COMMISSIONER MILILLO: Chairman, I would echo the comments of Commissioner Englehorn. You know, I don't think this is about the stewardship of the jeep tour operators. I'm sure they've done a good job under the SLUPs and they have served a purpose. And I'm also sensitive to what Commissioner Frost has mentioned as, you know, giving them time to perhaps change their business plan, look at other opportunities for maybe some agreement with operating horse-drawn tours out there. I wouldn't have any problem with that.

But I talk to a lot of people, you know, who use this area of the Preserve and while I don't see the Preserve Ordinance as absolutely sacrosanct, I just cannot get beyond the philosophical issue of allowing motorized vehicles in the Preserve. I do think that it sets a bad precedent and I think it opens the door to potential use by other motorized vehicles in the future. I don't doubt that the City would be able to administer it. I think that the option that they've shown probably wouldn't be that difficult to administer, but, again, I just don't see how we can just do this for a year.

The operators can probably make some sort of arrangements and changes to their businesses without having the temporary use permit, so I'm going to support the motion.

CHAIRMAN HEITEL: All right. Thank you.

COMMISSIONER WHEELER: I've got something, but Bob and then me.

CHAIRMAN HEITEL: We'll try to wrap it up. But, Bob, yeah.

COMMISSIONER FROST: Mr. Chairman, I just want to say that in the flowchart is correct. I think that Mr. Klein's motion to not change the Ordinance isn't mutually exclusive to the temporary. I think we can vote -- I think we could vote to not change the Ordinance and have another motion that allows the temporary. So I don't think they're mutually exclusive.

CHAIRMAN HEITEL: Well, you'd be entitled --

COMMISSIONER FROST: Right.

CHAIRMAN HEITEL: -- to make that --

COMMISSIONER FROST: Right.

CHAIRMAN HEITEL: -- motion after the --

COMMISSIONER FROST: Right.

CHAIRMAN HEITEL: You know. Okay.

So I'm going to call for the question here. I just want to briefly say -- I haven't had a chance to comment -- this has never been an issue about the veracity or the integrity of the jeep tour operators, never. And anybody who makes that suggestion is off the mark. I just do not -- I cannot find a way to sort of let down the people who have asked us as a Preserve Commission and other Preserve Commissions as stewards of their land, they raised the money, they produced an ordinance, an ordinance that was clear all over the pages that restricted motorized vehicles. I have asked for four months now for anybody to tell me where in the Council discussion in regards to the Ordinance there was a meaningful discussion about carving out jeep tours and I've never been able to find that. And the Council did not, obviously, support it.

So in my mind such a -- I don't think we have the right to change -- to recommend the change of an ordinance that was created way back in 1993 when the vision of McDowell Mountain Task Force, they specifically exclude jeep tours. It's in black and white. And from day and day and day. So I have a tremendous amount of empathy, a tremendous amount of respect for what has gone on, but I don't think we have the right to open the door to motorized vehicles.

I have -- I do not support the City Attorney's apparent position that that would be an enforceable prohibition. If we create a commercial motorized use permit, we have essentially opened the door to any type of motorized. You know, so I'm just not comfortable with it and I'm going to have to support the motion that way.

So I'll call for the question. All those in favor of Fred's motion signify by saying aye.

All those opposed.

One, two, three?

COMMISSIONER FROST: Two. I voted aye.

CHAIRMAN HEITEL: Oh, you did? Okay. So it was five --

MR. EKBLAW: Five to two?

CHAIRMAN HEITEL: -- to two. Correct.

THE MOTION TO RECOMMEND TO COUNCIL THAT THE PRESERVE ORDINANCE REMAIN UNCHANGED WHERE IT HAS TO DO WITH MOTORIZED VEHICLE OPERATIONS IN THE PRESERVE CARRIED BY A VOTE OF FIVE (5) TO TWO (2). COMMISSIONERS WHEELER AND NELSEN DISSENTED.

COMMISSIONER FROST: Mr. Chairman.

CHAIRMAN HEITEL: Yes?

COMMISSIONER FROST: I'd like to move that we authorize a temporary permit as Kroy has outlined -- through the process as outlined that -- in order to allow current operators to develop a business plan that would allow them to continue under the Ordinance.

COMMISSIONER WHEELER: Second.

COMMISSIONER FROST MOVED TO AUTHORIZE THE TEMPORARY PERMIT OPTION OUTLINED BY STAFF IN ORDER TO ALLOW CURRENT OPERATORS TO DEVELOP A BUSINESS PLAN TO CONTINUE OPERATIONS UNDER THE CURRENT PRESERVE ORDINANCE. COMMISSIONER WHEELER SECONDED THE MOTION.

CHAIRMAN HEITEL: Any discussion? Fred.

VICE-CHAIR KLEIN: This is called a trial, but I don't know what's being tried. The jeep tours have been operating, what, for 8, 10, 12, 15 years and they are proposing to do what they're already doing and we all know what that is. It's not that anything new or different has been suggested to us. If they want to come up with alternate plans that involve not driving motor vehicles in the Preserve, I'd love to hear them, but I think they can do that anyway.

If they want to come back here before September and they've got some kind of plan that will allow them to operate non-motorized tours, I'd like to hear it. But I haven't heard it yet and I don't -- I think the idea of a trial here is simply inappropriate.

CHAIRMAN HEITEL: Thank you. Mike.

COMMISSIONER MILILLO: Chairman, yeah, I would just like to ask the question, if we were to recommend for non-motorized commercial tours, they would still need a permit; is that correct?

MR. EKBLAW: Non-motorized already is allowed. That process, we already have the guidelines. That was attachment 2-A in your packet. That already exists. That's been through the review process.

COMMISSIONER MILILLO: It's been through the review process, but would they actually have to come in and request a permit in order to do that?

MR. EKBLAW: Yes.

COMMISSIONER MILILLO: So they'd have to on a case by case basis get those permits for non-motorized tours?

MR. EKBLAW: Not for each day. They can get a year --

CHAIRMAN HEITEL: For a year.

COMMISSIONER MILILLO: For the operator?

MR. EKBLAW: Yeah, they get a yearly permit and they do report to us their activities and they'd pay the \$3.50 per person fee. So we do track that consistent with the outline -- or the guidelines that we handed out. Okay?

COMMISSIONER MILILLO: All right. Yeah. And I would just say that I would be supportive of that as well, as long as it was non-motorized. I would support that, you know, that those types of permits be considered, even though we know that we have those guidelines approved.

CHAIRMAN HEITEL: As long as it was non-motorized?

COMMISSIONER MILILLO: Non-motorized, correct.

CHAIRMAN HEITEL: Yeah. Okay. Which is not the motion.

COMMISSIONER ENGLEHORN: I'm confused.

CHAIRMAN HEITEL: Yeah?

COMMISSIONER ENGLEHORN: The Commission doesn't have to approve applications for non-motorized. We don't micromanage you and approve permits?

MR. EKBLAW: No. But you did review the guideline process.

COMMISSIONER ENGLEHORN: Right.

MR. EKBLAW: The Commission did.

COMMISSIONER ENGLEHORN: If it's non-motorized, I don't know why we would even be involved.

MR. EKBLAW: We're not saying that you would.

COMMISSIONER ENGLEHORN: Well, this motion says we would.

COMMISSIONER WHEELER: No.

MR. EKBLAW: No. This motion –

COMMISSIONER ENGLEHORN: This motion wastes your time. I mean, is this motion saying that they are going to apply for a non-motorized permit?

COMMISSIONER FROST: Of course not.

COMMISSIONER WHEELER: No.

COMMISSIONER FROST: For motorized.

COMMISSIONER MILILLO: No. I was merely asking the question to clarify that they would have to request permits from the City administratively.

CHAIRMAN HEITEL: A non-motorized.

COMMISSIONER MILILLO: For non-motorized.

COMMISSIONER FROST: Exactly right.

CHAIRMAN HEITEL: Yeah.

COMMISSIONER FROST: So they can apply for a non-motorized.

CHAIRMAN HEITEL: Yeah, any non-motorized.

And now, just to restate the motion on hand, would you like to do that again.

COMMISSIONER FROST: I move that the Commission approve the temporary program as outlined by Kroy's program. That would give them, yes, a year from September to May they can continue with their jeep tours in those designated areas, under the designated program, while they're developing a business plan for non-motorized over this time. It gives them a year to work. If they can't work it out, then they've got to go someplace else and they lose their business or whatever.

CHAIRMAN HEITEL: Okay. And that was the second?

COMMISSIONER WHEELER: Well, I'd like to speak to that, because it's kind of hard just to shut them down when they've been doing it for so long and it does give them time. And I – I called Kristen who used to do the horses in downtown Scottsdale and she's got the most incredible stagecoach and she's got the most incredible carriages and flatbeds and she would be happy to take people into the desert. So something could be worked out where if the jeep tours brought the people to the Preserve, then they could get in a stagecoach and they could get in with it and do their travel around and their education.

CHAIRMAN HEITEL: Great.

COMMISSIONER WHEELER: So there is a way to do that.

CHAIRMAN HEITEL: Thank you.

My only thought on that is that that sort of hardship issue is probably an issue for the Council. I think – I think we need to be clear to the Council that the Preserve Ordinance regarding non-motorized vehicles is a paramount concern and send that message on. So that's clearly something the Council could take up, though.

Any other questions, comments, whatever?

COMMISSIONER FROST: Call for the question.

CHAIRMAN HEITEL: All those in favor of the motion signify by saying aye.

One, two, three. Correct?

All those opposed.

COMMISSIONER NELSEN: She set us right.

CHAIRMAN FROST: Four to three.

THE MOTION TO AUTHORIZE THE TEMPORARY PERMIT OPTION OUTLINED BY STAFF IN ORDER TO ALLOW CURRENT OPERATORS TO DEVELOP A BUSINESS PLAN TO CONTINUE OPERATIONS UNDER THE CURRENT PRESERVE ORDINANCE FAILED BY A

VOTE OF THREE (3) TO FOUR (4). CHAIR HEITEL, VICE-CHAIR KLEIN, AND COMMISSIONERS ENGLEHORN AND MILILLO DISSENTED.

CHAIRMAN HEITEL: All right. Thank you very much.

MARY JORDAN: Thank you so much. I want to thank you so much for --

CHAIRMAN HEITEL: Thank you for all your time.

MARY JORDAN: -- taking the time to do this for us. Thank you. Thank you very much.

CHAIRMAN HEITEL: Do you want to take a five-minute break?

Discussion ended at 6:06 p.m.



**CITY OF SCOTTSDALE
McDOWELL SONORAN PRESERVE COMMISSION
REGULAR MEETING**

May 2, 2013

**Florence Ely Nelson Desert Park
8950 E. Pinnacle Peak Road
Scottsdale, AZ 85255**

DRAFT VERBATIM EXCERPT

PRESENT: James Heitel, Chairman
Fred Klein, Vice Chairman
Susan Wheeler, Commissioner
Marg Nelssen, Commissioner
Robert Frost, Commissioner
Mike Milillo, Commissioner

ABSENT: Con Englehorn, Commissioner

STAFF: Bill Murphy
Kroy Ekblaw
Scott Hamilton
Claire Miller
Robbin Schweitzer
Liz Hildenbrand
Rachel Smetana

GUESTS: Mike Nolan
Jack McEnroe
David Hay
Howard Myers
Rebecca Eickley
Ed Quihuis
Sue Handke
Betty Miller
Judi Irons
Melanie Tluczek
Doreen O'Connell

Patrick O'Connell
James Vista
Darrel Hood

6. COMMERCIAL GUIDED TOURS - MOTORIZED (Begins at 5:11 p.m.; approximately six minutes into the meeting.)

MR. EKBLAW: All right. Thank you, Mr. Chairman.

As you may recall, three months ago several of the commercial jeep tour operators -- who I know several will be here to speak -- presented their interest in being able to continue the jeep tours in the Preserve. And without going into a great amount of history, it was provided in the report and past discussions. Of course they've been operating up in areas up here and in here in the State Trust lands prior to our acquisition, and, of course, this past year we achieved a significant amount of acquisition connecting up to the Tonto National Forest. And they've been operating under the State Trust lands with a permit system. That permit system did not transfer with the purchase of the land, so there were no property rights, no use rights, or other things that were carried forward as part of the land acquisition. So the controlling aspect of the land today now is the Preserve Ordinance. And, specifically, the Preserve Ordinance includes the language that there is to be no motorized vehicles other than utility vehicles, staff, power companies that have their existing easements, et cetera.

And so a couple of months ago the Commission asked staff to look at options for how it might be -- if the desire was to allow jeep tours, what options might be available. And so a flow chart that we provided, this is a blow-up of that, speaks to the issue of if jeep tours -- the fundamental question for you, really, is the interest in to allow jeep tours to be provided or to not. And if the decision is to not introduce jeep tours, then we would stay with the existing Ordinance; no change is required. If the interest is to provide the opportunity for jeep tours, then we've identified and we've worked with the City Attorney's Office that there are really two fundamental options. And the question is to allow it on a permanent basis or on a temporary.

The permanent would require an amendment to the Preserve Ordinance. And if that were to be the case, if tonight you were to give us that direction, we would come back in June with a draft of the Ordinance and we'd also -- and I'll spend a little more time on what these potential regulations or restrictions might be. If the interest is in temporary, we've identified a trial period opportunity that would be allowed under the existing Preserve Ordinance under the special use section that allows the Preserve Director, and I can gain assistance from the Preserve Commission in evaluating a proposal. And the special use as highlighted in the report that was sent out to you does identify that if educational purposes are being met, that is a valid reason for pursuing a special use or issuing a special use permit.

What we've outlined as potential for a trial period would be for, in essence, a year for the high season, September of 2013 through May of 2014. The permits would be revocable, they would have to be based on an education basis, we have a selection process, we would -- I also included in the packets that we sent out the existing commercial operator's policy, which you previously approved. Of course, that was for non motorized, so people who take people out on guided hikes, mountain bike rides, rock climbing, or equestrian rides follow those policies and we have fees and other things that are charged associated with that, that we would propose to

base a lot of what we'd be doing on a similar policy. And, of course, there'd be compliance required with all other Ordinance and policy requirements that we would have.

The idea in regulation -- and, again, this would be similar whether we're dealing with an Ordinance amendment or this trial period for a year -- we'd limit the location and, again, we've identified the existing area. We may propose to be even more restrictive in limiting the trails, but that's something that we would come back to you.

So if you were to give us direction -- either permanent or temporary -- tonight, we would come back in June with the outline in more detail, but it would follow the basis of what I'm going through here. So location would be something that we would be very specific about. Selection process, we'd have an opportunity for people to submit their interest in providing tours. They would have to provide information back to us that they would be providing educational basis, and to the extent that could include the flora, the fauna, the geology, the history of the land; we would be looking to have all of that identified. We would be asking for experience that they have, whether in this immediate area or similar areas. The must be in some type of enclosed or jeep-type vehicle and that they'd provide a driver and that it would be guided; no self-guided tours would be allowed in this situation. And there would be limits as far as dust control. That's an existing ordinance. That would have to be complied with, so the speeds would be slow. As I said, we wouldn't be looking at boulder crawling, going off trails, we wouldn't be looking at high speed how fast can you clear a jump or anything in that nature, and we'd also be looking at limits as far as numbers. There'd also be the compliance with insurance requirements and those types of things.

So with the trial period, then, the presumption is that we would staff and work -- we'd talk to the Conservancy that if we were to do a trial period or even if it is permanent, we would develop an analysis program for the duration of the trial period and we would then look to provide a report back to you in about a year from now. And you would then be facing a similar question of to allow on a permanent basis or to not allow at that point in time.

So those were the options that we identified and I'm really looking for the direction from the Commission as to direction. I'm happy to answer any questions. I know you've got speakers, so at your pleasure.

CHAIRMAN HEITEL: Okay. Well, what we might do is get some questions, then we'll go to our speakers, and then come back and have some more questions or other discussion.

Any -- Bob.

COMMISSIONER FROST: Yeah, I have several questions, Mr. Chairman. Thank you.

You say you're utilizing a special use permit and you've -- and the Attorney has determined that it can be temporary. Why can't the Attorney determine that it's permanent? Where's the criteria?

MR. EKBLAW: On the special use permit?

COMMISSIONER FROST: Why is it temporary? If you have a permit process, why can't the permit process be permanent or five years or something? How do you get there from here?

MR. EKBLAW: Well, I think, again, it's really based on the -- that line of permanent versus the intent of a trial period is to test it and develop scientific analysis and data to see and that that special use permit would allow for that but would not allow for either open-ended or longer periods of time without further analysis.

COMMISSIONER FROST: Why wouldn't it? There's no rule there. A special use permit is granted -- can be granted by the City?

MR. EKBLAW: Uh-huh.

COMMISSIONER FROST: You're suggesting it's a year or the permitted season --

MR. EKBLAW: Right.

COMMISSIONER FROST: -- it could be suggested that it could be two years. Make up a number.

MR. EKBLAW: Okay.

COMMISSIONER FROST: So that's possible. So the temporary program is an opportunity to look at the trial program to see how it's working and analyze it. So at the end of the trial period, theoretically you could have a permit program based on your analysis that could be longer, yes or no?

Just an idea; just a thought.

MR. EKBLAW: Yes.

COMMISSIONER FROST: So you have to think about that.

I have another question. If you do go to the permanent program going to City Council to change the Ordinance, all right, if you were to do that you would open it up to anybody who would want to get into the program that met the criteria, because you'd have to have a bidding process?

MR. EKBLAW: Either program, trial period or permanent, would have to have an open process --

COMMISSIONER FROST: Okay.

MR. EKBLAW: -- for that selection.

COMMISSIONER FROST: And then your --

MR. EKBLAW: We would be unable to restrict that.

COMMISSIONER FROST: And then your evaluation program would be based on the criteria you set up for applicants who wish to apply for permanent.

MR. EKBLAW: That's correct.

COMMISSIONER FROST: Then how would you limit the number? You said you were going to limit the number. What do you base that on, the number that we have now or the number that the ground can handle; how do you determine? You could have -- you could have 20 operators that meet all those criteria because they can make some money off tourism.

MR. EKBLAW: And that would -- that would be part of that submittal and review analysis that we would take in, because we don't have -- that's one of the reasons that if we're interested in allowing this, we felt a trial period would be a good way to enter into that, because we don't have background information, historical numbers that gives us a good starting point for understanding that. So that would be part of that analysis that we would be doing is reviewing impact on the trail, the jeep road that would be being used, and be able to document and determine if there are under a permanent program more detailed limits that should be identified. But we would be able to evaluate that in the selection process even for a trial and if we felt the number was high, we would apply a restriction.

COMMISSIONER FROST: Other contracts that are utilized throughout the city where this -- you're using public property for private gain, the bids are often let on a percentage of gross revenues paid to the City. Has that been thought through?

MR. EKBLAW: That's one of those things that we could certainly look at. As I said, we evaluated what we did for the purposes of the existing commercial operators --

COMMISSIONER FROST: Right.

MR. EKBLAW: -- that are non-motorized and established the per-head fee basis. And so that's -- there's not a restriction to that, other than on a quarterly basis they provide documentation of all that came through and they provide their payments.

COMMISSIONER FROST: If the stadium, for instance, the concessions pay a fee and other facilities you pay a fee to the City as part of the percentage of gross. I'm just making that comment.

Thank you, Mr. Chairman.

CHAIRMAN HEITEL: Any questions?

COMMISSIONER WHEELER: Go ahead.

CHAIRMAN HEITEL: Marg and then --

COMMISSIONER NELSEN: Well, just you came up with a nine-month trial period because it fits in with the political calendar?

MR. EKBLAW: No. Really because it's the high season and it's the season of activity of the trails. We see this in the summer period things drop down on our trails.

COMMISSIONER NELSEN: Right.

MR. EKBLAW: And operators can speak to how much they see their numbers change or not. I know they'll say they get some traffic in the summertime, but as we understand it, historically, the greatest amount of traffic would occur in that --

COMMISSIONER NELSEN: In that window.

MR. EKBLAW: -- tourism season.

COMMISSIONER NELSEN: September to May. Okay. Thank you.

CHAIRMAN HEITEL: Okay. Perfect. Susan.

COMMISSIONER WHEELER: I would think the permit program would be the best way to control what's happening in the Preserve. And doesn't the permit holder, isn't that the one that starts the process rather than the City? Wouldn't the users be the ones that would come forward and want the permit to be able to operate in the Preserve, rather than the City originating it?

MR. EKBLAW: Well, what we -- because of the potential wanting to limit the total number, that's where we have a selection process that would be available. So whether we were doing this on a one-year cycle -- if we were looking at a permanent program with a longer cycle, then those would be things that we would establish. Those details will come back based upon direction and input. We would come back and refine that for you by June.

COMMISSIONER WHEELER: One other question. Couldn't you have a permit with no end date?

MR. EKBLAW: I don't think there is anything that would limit that. I think the concern on the -- using the special use permit process is we -- historically, that has been for individual or certain repetitive events. It hasn't -- I don't think we've ever issued anything on a long-term period. That was part of the concern that --

COMMISSIONER WHEELER: You do on the ranches.

MR. EKBLAW: What's that?

COMMISSIONER WHEELER: You do on the ranches. They go with the property.

MR. EKBLAW: But that's a zoning issue. Now we're out of --

COMMISSIONER WHEELER: No. That's a permit. It's not zoning, it's a special use permit.

MR. EKBLAW: But the commercial ranch, that's a use permit under the Zoning Ordinance. That's not defined in the Preserve Ordinance. So. The Preserve Ordinance specifically speaks to special events and not --

COMMISSIONER WHEELER: Oh.

MR. EKBLAW: We're not talking uses now, we're talking activities.

COMMISSIONER WHEELER: Okay.

MR. EKBLAW: And so that is the distinction, because that was part of some of the confusion over grandfathering that some of the language that was being introduced is Zoning Ordinance language and that is not what applies to the Preserve Ordinance. And so that's the distinction and that's why grandfathering wasn't an option available. Sunsetting was looked at and that wasn't available because the permit from -- the State permit process, not ours, didn't carry forward.

So those were evaluated. We reviewed them with the attorneys and, again, just from the standpoint of the special event process, we had not seen that as being a permanent process but rather a variable to evaluate something and if we then wanted to make it permanent, there'd be the option of the Ordinance.

COMMISSIONER WHEELER: So we'd change the Ordinance and make it permanent?

MR. EKBLAW: If you wanted to go that direction, that would be the recommendation of staff and the City Attorney's office. I can further evaluate that one and I have a pretty good sense of where we'll come out, but I'll be happy to bring that back.

CHAIRMAN HEITEL: Okay. Mike.

COMMISSIONER MILILLO: Yes, Chairman.

Kroy, so just to make sure that everyone is on the same page here, these special use permits as defined in the Ordinance are completely different than conditional use permits that get approved at a public hearing of the City Council. So these are done administratively. There will be certain criteria or findings, if you will, in order to actually issue the permit on a case by case basis to, you know, tour operators. And would there be criteria in there for potential revocation?

MR. EKBLAW: Yes. And you did a fine job of clarifying those points. As you said, this is not a conditional use permit process; it doesn't go through the Planning Commission with a recommendation to the City Council. It is under the purview of the Preserve Director, again, with assistance as appropriate from the Preserve Commission, and that's why we're here talking about that.

And, yes, that's one of the key points is that these are always revocable. So if certain criteria that are established are not being complied with, we do have the power to revoke those.

CHAIRMAN HEITEL: Okay. Any questions?

Before we get to the public comments I've got some other comments I'll make later, but first -- you know, for sure I think staff has done a good job of exploring every, you know, possible nook and cranny of opportunities here and I think you've consolidated down the options and whatever.

One thing that struck me today that hadn't occurred to me prior, you passed out in our packets this commercial permit system. That's the special use permit process you're talking about?

MR. EKBLAW: No. That's the commercial operators aren't in -- they're not conflicting with the Ordinance, because they're non-motorized --

CHAIRMAN HEITEL: Right.

MR. EKBLAW: -- so they're passive and they're offering that. That's a policy that we brought to you, that this Commission recommended for, and that Council approves --

CHAIRMAN HEITEL: Right.

MR. EKBLAW: -- so we follow that policy.

Now, if they propose to have a large event and let's say they want to put up something -- the Ordinance says you can't have shade -- tent structures out there, but let's say they wanted to do a one-day training event for rock climbing -- and that's happened sometimes -- and maybe they'll put up a little popup shelter. That would require getting a special event permit.

Anything else, Scott, or Claire, Robbin? That's the type of thing where we've seen that used before.

CHAIRMAN HEITEL: Okay. So --

MR. EKBLAW: That's not a special permit, but we do require them to comply with all those requirements of which they have to provide their licensing and insurance requirements.

MR. HAMILTON: One of the key differences is the Ordinance gives the Preserve Director the authority to issue a special use permit.

CHAIRMAN HEITEL: And that's --

MR. HAMILTON: The policy that you --

CHAIRMAN HEITEL: -- different than commercial?

MR. HAMILTON: Yeah. The policy that you have gives guidance to the Preserve Director on how we would issue commercial permits, which I guess is technically a special use permit, but it's being guided through the policy, which has all the regulations about how those permits would work. But what Kroy is explaining is if we have a special -- a one-year permit with one of our non-motorized operators, they might ask for something else: "We want to do a popup tent; that's not covered in here." So we may give them another special use permit on top of their year-long commercial. It's just that their current commercial is operating through Commission and a City Council approved policy.

CHAIRMAN HEITEL: So if we -- maybe I'm just confused here, but if we approved -- we have this commercial permit system, which envisions non-motorized activities, the special use permit sort of is above that and is not responsible to that commercial permit? Do you see what I'm saying? In other words, how can you have a special use permit that's guided -- that overrides the commercial permit system that we have? That's just my --

MR. HAMILTON: The commercial system that we have specifically excludes motorized.

CHAIRMAN HEITEL: Right.

MR. HAMILTON: So we would essentially need another policy.

CHAIRMAN HEITEL: So you'd have to amend the Ordinance to create a motorized?

MR. EKBLAW: No. Not on a trial basis. Not what we're proposing under the trial basis. If we were proposing the permanent, then we would suggest that we would be amending the Ordinance and we would come back.

But what we would do is given the direction to let's look at the trial period.

CHAIRMAN HEITEL: Right.

MR. EKBLAW: I'm not saying you're going to do that, but if that's the direction, we'll be back here in June with the -- we're going to take this and expand this out and add more detail to that and address any other questions or comments that may come out of the discussion and make sure that we have that in place so that we can have an effective program in place by September.

CHAIRMAN HEITEL: Okay.

MR. EKBLAW: So that would be the approach that we would take.

And we'll go back and refine the look at this, but there really isn't -- we'll just double-check that to make sure, but I'm not -- we're not proposing that there is an amendment of the Ordinance by the trial period. We would be using the power under the special use for the Preserve Director to approve that.

CHAIRMAN HEITEL: Yeah, that's just what is unclear to me is how could -- if the Commission -- well, I guess if the Commission chose to approve a trial period, it would be saying to you as the Preserve Director, we want this special use permit that doesn't even apply to our commercial permit system. We want something --

MR. EKBLAW: But for motorized.

CHAIRMAN HEITEL: Right.

MR. EKBLAW: We can distinguish --

CHAIRMAN HEITEL: Because we have to --

MR. EKBLAW: -- because we have different policies.

CHAIRMAN HEITEL: -- create a whole new animal --

MR. EKBLAW: Right.

CHAIRMAN HEITEL: -- essentially? Okay.

MR. EKBLAW: Exactly. We would not -- we threw this in so you understood the type of regulations that we would affect, but we would not -- we would duplicate -- we would amend this and we would refine it.

CHAIRMAN HEITEL: There would almost be --

MR. EKBLAW: It would have a separate title. It would be Commercial Permit - Motorized.

CHAIRMAN HEITEL: Motorized?

MR. EKBLAW: Yes.

CHAIRMAN HEITEL: Okay. That's what I'm getting at.

MR. EKBLAW: It would be a new policy.

CHAIRMAN HEITEL: We would be creating one more -- one more --

COMMISSIONER NELSEN: Layer.

CHAIRMAN HEITEL: -- layer of uses that could be utilized.

MS. HILDENBRAND: And there may be similar things like is on here.

CHAIRMAN HEITEL: Yeah. And then just to clarify again and then we'll go to the speakers, regardless of the trial or the permanent, this -- if the Commission and this thing went forward, it essentially opens up to any operator, not just the operators we have here. You could have Pink Jeep Tours and half a dozen other people come in and you wouldn't be able to restrict their ability to use the Preserve, would you?

MR. EKBLAW: Well, there --

CHAIRMAN HEITEL: As long as they fit the criteria.

MR. EKBLAW: Any -- we can't restrict who asks, but they will have to comply with these criteria and if we were to get an extremely large number, then, yes, we would look at some type of restriction on number. But at this point we don't have enough background information to tell us where that threshold is. That's why the trial period offers, you know, a nice opportunity to evaluate that. And if we were to do something on a permanent basis, we'd be able to come back with a stronger, specific recommendation.

I mean, there would be -- if there were a large number of applicants, we would have to evaluate that and determine that, but at this point we have not had interest expressed from anyone else. That's not meant to say that we won't get some, but at this point the interest has been the three operators who have been operating under the State Land.

CHAIRMAN HEITEL: That potentially could put the City in a somewhat risky situation. Let's say two or three more operators came to the table and you had six operators and they all fell within the legitimate criteria that you envisioned and all of a sudden a year from now they have economic interests, essentially, ongoing with the City and then you say wow, we've got too many

people out there, we've got more tires than we have walkers, we've got to cut back. And then somebody says well, you're arbitrarily penalizing me. Then all of a sudden we're in this potential litigation of economic.

MR. EKBLAW: Two things: We will be very clear about the point that Commissioner Milillo raised, that these are revocable, and that with the trial program they are only good through the period of time identified which ends May 2014 and that there is no assurance that any or all would be allowed to continue.

CHAIRMAN HEITEL: Okay.

MR. EKBLAW: So we feel comfortable that if it were to -- you know, if we try the trial period and then in a year say no, we don't want to go forward, we feel comfortable with that. And if we do the trial period and our research and evaluation determines that thresholds should be here and we were operating here and we would lower that, we would make that clear to everyone and that would then become part of that selection process for whatever the future would be.

So we have discussed that with the attorneys and I do believe they're comfortable that that can be managed that way.

CHAIRMAN HEITEL: Okay. Great. Thanks.

COMMISSIONER WHEELER: I have one more question.

CHAIRMAN HEITEL: One more question.

COMMISSIONER WHEELER: If you have one more layer of motorized ordinance or whatever for the special use permit, can you put jeep in there so that no other kind of motorized vehicle?

MR. EKBLAW: That's exactly why we listed this in here that it would have to be in some type of jeep enclosed --

COMMISSIONER WHEELER: Good. Okay.

MR. EKBLAW: -- type vehicle and that it requires having a driver and a driver guide combined.

COMMISSIONER WHEELER: Okay.

MR. EKBLAW: So these are not other types of vehicles and they're not oh, you can rent a vehicle and go drive yourself; no, that's not what's being proposed here. So, yes, we are --

COMMISSIONER WHEELER: You've done a thorough job.

MR. EKBLAW: Well, we'll complete a thorough job if given direction, but I won't say that it's thorough just yet. But we've been trying to answer those and there's a few good questions here that we'll do a little bit more research on at this point as well.

CHAIRMAN HEITEL: Okay. Great.

I've got three cards here and I'm going to ask you to try to keep it somewhere around the three minutes and maybe try to -- if you can provide -- if you've spoken to us before, maybe try to reemphasize what you wanted to talk about or maybe any new information you have.

So Ed -- and I'm sorry I just can't read the --

ED QUIHUIS: It's Quihuis.

CHAIRMAN HEITEL: Oh, Okay. Perfect. Come on up here.

ED QUIHUIS: My name is Ed Quihuis. I'm owner/operator of Arizona Classic Jeep Tours.

I'm just kind of going to give you a rundown of what we do and how it's -- it's not really -- I guess we're talking about just trying to be and they're not really overusing the land or anything. We're part of the tourism, part of the economy. You meet vacationers. A lot of people here attending conferences go out on a lot of our trips. A lot of times this is the only way for people to actually get out there in the Preserve. They don't even know what's outside of the city; they don't even know what's beyond this road. This gives us a chance to take them out there. And they -- people typically are expecting a sand dune or something like that where there's, like, nothing out there, but they're surprised to see how green it is out there. We do take local residents. We take local residents that have their family in town or their friends that come and visit them. So we do take a lot of those people out.

Also, I just -- I read an article today about the Desert Foothills Scenic Drive; this is another way to just kind of maybe, I don't know, expand it a little bit to somebody that wants to go beyond those roads, those paved roads, and see what's out there.

As far as education, we talk about the plants. We talk, you know, a lot about the saguaros, the barrel cactus, the mesquites, the prickly pear, you know, the palo verde trees. We talk about a lot of it and just how they survive out in this environment. We also talk about how the Native American Indians used them to survive and how they used them to their advantage to live. We give a lot of history on the local tribes, some of how the Spanish explorers, the early explorers came out here and how they survived and learned to live in this environment.

In our tour -- our tour is not like going offroading or anything like that, we don't go four-wheeling but we've -- it's just the roads that we have. I mean, they're nice. Some of them are flat, some of them sand washes, other of them are existing farm or ranch roads. They're just kind of bumpy, which a lot of people like. We don't go crazy, we're only, you know, no more than ten miles an hour. A lot of those bumpy ones are probably only going two or three miles an hour over them. So we're not really doing anything to the environment, you know, the existing roads are always going to be there.

And as far as what Kroy was pointing out that we're up at the northeast corner of the Preserve and there's very little activity out there. I mean, we -- as far as us being involved and running into other people, I rarely see people out there until they're chasing motorcycles out. The most people that we see are just the local residents, which is kind of the lease they live on to the east of the Preserve and those typically are the people who we see out there. And the people that we do, I ran into a few mountain bikers that were lost out in the area and I've kind of been able to direct them back to the main road and give them some water, you know, just so they can get back safely.

So it's -- we're kind of like, I don't know, caretakers or, you know, and kind of rangers out in the area. We're not really trying to do that, but it's just part of being out there, you know just taking care of who's out there and kind of let it stay as it is. Anyway, that's kind of what I'm doing on that.

And as far as too if we were to open it up for a list of people to -- you know, for an open list of people to apply for a permit on there, you know, Kroy was saying that it's just gonna -- anybody who wants to. And I guess because we've been out there for several years, you know, doing that I wish hopefully at least we could be put on the top of the list if it's gonna be opened up for that.

Thank you.

CHAIRMAN HEITEL: Great. All right, Ed, thank you very much.

Any questions? Just holler if you do.

Doreen O'Connell.

DOREEN O'CONNELL: I'm going to drag my chair over, if you don't mind.

CHAIRMAN HEITEL: Okay.

DOREEN O'CONNELL: I think everyone here knows me. I'm Doreen O'Connell. I own Arizona Desert Events.

I had a very brief subject that I'd like to talk about, but I'm wondering, are we able to answer any of the questions that you had for Kroy? One of them would be about -- you had asked about this fee basis. When we first started with the State Land Department, it used to be a percentage of our gross revenue. They stopped that because a lot of us do other things. You know, we do the desert tours, but we also do cookouts, we also do what they call dine arounds where we take people to different restaurants in Scottsdale. So we then had to almost keep three sets of books for our accountant; what was actually done on the State Land Department and what we did off of it. And then each of our accountants would have to do an annual report and it got to be kind of a major ordeal. And so the State Land Department stopped doing that and went to basically a fee because of all of the accounting nightmare. And that was the only thing I would bring to the point.

Like, when you were talking about the concession stands at the university, they're there in that facility just doing that. We do a lot of other different things. Some of the companies, you know, also do hiking tours or they might have something with kayaking. So trying to keep everything separate, that was one of the reasons why they did that, so I just kind of wanted to share that with you.

Also, the Tonto National Forest limits their permits. They only allow -- I think there's only five permits allowed. I've been on a waiting list since 1997 and I've never gotten a permit. So that might be something also that can be taken into consideration that the Tonto has been doing for years; we only allow this many permits. And the only way you get a permit is if you buy one of those companies or that person goes out of business and a trail opens up. And, as I said, 1997

and I'm still waiting. So that might be something else that would make you feel a little bit more comfortable about limiting what's out there.

I also was just a little confused -- and I think I have the same question that you had, Mr. Frost, is I understand all the processes and I think they're all great, but if you have the authority to allow us on a temporary basis, why do you not have the authority to allow us on a permanent basis?

CHAIRMAN HEITEL: Well, I think this is not kind of a question and answer deal.

DOREEN O'CONNELL: Okay. All right.

CHAIRMAN HEITEL: I think he did answer it. The permanent basis would be an amendment of the Ordinance; that would be real clear.

DOREEN O'CONNELL: Okay. Because I guess I just was following what he was asking; I thought that's what he was asking. So I just didn't understand that part.

CHAIRMAN HEITEL: Yeah.

DOREEN O'CONNELL: I have passed out to everybody -- just really quick, I went into my emails today and just took out some responses from guests that we've had and I just put them on one sheet, just picked out the first ten that I came across. And I think that will help you to understand what the feedback is that we get.

Educating the guests about the Sonoran Desert is what's most important to us and it's really the basic principle by which we operate. The number one thing that we hear from people when they come back and if you're at the hotel, is "I can't believe how much I learned." And it's not only the tourists, we hear that from natives who go out with their family and friends, because they have no idea how much history and how much knowledge that we share out there.

The only other point I'd like to make is even though this is a business, it's not just about business for us. Over the past 17 years we've given back to the community and we have donated tours to many organizations. I listed just a few, which was Make-a-Wish, Boys and Girls Club, Phoenix Children's Hospital, Crisis Nursery, Save the Family, Scottsdale Police Department, and lots and lots more. We believe in giving back and we're more than just a desert tour company. And I just hope that you'll take all of this into consideration when you make your recommendation to the City Council or to the City staff.

Thank you.

CHAIRMAN HEITEL: Great. Thank you very much. Sure appreciate it.

And one last card. Howard Myers.

HOWARD MYERS: Thanks. Howard Myers again..

This is a really difficult issue I think; we can probably all agree with that. I was involved in a lot of the early discussions with this and, clearly, we recognize that they do a great thing and it's good for tourism, it's good for the city, it would be nice if there were some way we could keep it going. Of course, then we didn't own an acre and the probability of acquiring all this land in the

north was virtually nonexistent with the funds we had. So it didn't seem like it was an issue at the time, they just run as they are.

Well, the good news is we own the land and the bad news is now you have the issue. And the problem I have is that now that we own it, it's really got to comply with the Preserve Ordinance and opening it up in any of these ways -- and he's got all different ways of doing it, but any of those ways you open it up, that's a door you will never close. There will be people descending on you to get more motorized uses, either jeep tours or the dirt bikers. And you know it, because we've had a lot of meetings with the dirt bikers, the only way we said they couldn't go in is because we said no motorized vehicles are allowed in here. And they said okay, well, I guess then that means us too. But as soon as you allow motorized vehicles in there, they'll be on you like a cheap suit trying to get in too. It's just a door you can't close. And that's why even back when we formed the Ordinance -- and I was involved in that too -- we said we really have to put no motorized vehicles, period, because if we open it up, we're done.

On the other hand, you know, I'd like to find a way to work with them to keep the operation they have going, because it really is important to tourism. So I would prefer rather than looking at these alternatives to say isn't there some other way we can support their operation and not violate the Ordinance? And a couple of ways that I thought of, although I've got to admit I don't have the answers, but, you know, you've got to start looking around. One was working with the horse outfitters to, you know, drive your jeeps up there, give them the education, put them on a horse, and let them go in for a while and come back out. The other was wagons drawn by horses; that doesn't violate the Ordinance. And another one is they have those special access areas similar to some of our others that go a little way into the Preserve that they could use that would be kind of more in a remote area, but it would be treated like an access area. It's very limited, it only goes a little bit in, then you've got to walk around a little and, you know, do your teaching and come out.

So those are just three possibilities off the top of my head, but the idea was to try to find a way to work with them to allow them to do what they do very well, yet not violate the Ordinance because once you violate the Ordinance and allow it to be violated, anybody is going to come in on you.

Thank you.

CHAIRMAN HEITEL: Great. Thank you very much.

Oh, did you have a question?

VICE-CHAIRMAN KLEIN: No. I don't have any questions.

CHAIRMAN HEITEL: All right. Any questions, comments?

VICE-CHAIRMAN KLEIN: I've got a comment, though.

CHAIRMAN HEITEL: Yeah, Fred.

VICE-CHAIRMAN KLEIN: Yes, this is all very interesting, all this business about permanence and contract, but as I've said before I think we need to keep our eye on the ball here as Howard suggested. This is wholly or even mostly about commercial jeep tours. I think the question we

need to address is whether we want motor vehicles in the preserve under any auspices and I think the answer is no.

I think it's worth recalling that we're a preserve on purpose, not by accident. Back in the '90s when Scottsdale was thinking about acquiring open space and wondering how to run it, it had many examples before it. It could have chosen to go the way of the National Forest or of the Maricopa County parks or of the Phoenix Mountain parks or of the State Trust Land. All of those entities existed at the time. And Scottsdale looked at those and decided – and by Scottsdale, I mean us, because this didn't happen 200 years ago; a lot of us were there and some of us had a part in drawing this, so these are our rules. And what Scottsdale decided was to create an entity whose purposes were the protection of the native plants and animals and scenic views. It says so in the law; it couldn't be clearer.

Recreation is permitted in the preserve; however, it's very tightly restricted. If you read the Ordinance under which we operate, there are 32 enumerated rules governing use. They're all "thou shalt nots." Did you know that it's impermissible to launch a hot air balloon in the Preserve? It's in the law. You can't operate a gas powered aircraft, a little model airplane, in the Preserve. It's against the law. You can't bring glass into the Preserve. It's against the law. You can't take out so much as a rock or a stick. It's against the law. Camping is not permitted in the Preserve. The Ordinance doesn't say no camping except for the third Saturday of every month or except for boy or Girl Scout troops that get the Preserve Director's permission or people who – exceptions for people who can show they bought their camping gear in Scottsdale. There's no camping in the Preserve, the reason being that it disturbs the wildlife and it doesn't matter who is doing it or when or what their noble purpose is, there's no camping. We're a preserve, we don't permit camping.

Similarly, we don't permit motor vehicles. And the reasons are clear: motor vehicles tear up the terrain and they disturb the wildlife. And I think that if we're serious about this preserve business, we're duty bound to uphold these rules even though it makes some people unhappy. I think if you want to camp, fine, you're just going to have to go camp someplace else; you can't camp in the Preserve. If you want to drive a dirt bike around, fine, there are places that permit that. There are places that permit jeeps and pickup trucks. A preserve is not one of them.

And so, Mr. Chairman, I would like to move that we recommend to the City Council that the no vehicles regulation be kept as written.

CHAIRMAN HEITEL: So that the Preserve Ordinance remains the same.

VICE-CHAIRMAN KLEIN: The Preserve Ordinance remains the same. I think we have to do this, otherwise we're kidding ourselves about having a preserve.

CHAIRMAN HEITEL: Any comments?

COMMISSIONER FROST: I think you have to ask for a second.

CHAIRMAN HEITEL: Yeah, that's what I was asking for.

COMMISSIONER MILILLO: I'd second that.

VICE-CHAIR KLEIN MOVED TO RECOMMEND TO CITY COUNCIL THAT THE PRESERVE ORDINANCE REMAIN UNCHANGED AND MOTORIZED VEHICLES NOT BE PERMITTED IN THE PRESERVE. COMMISSIONER MILILLO SECONDED THE MOTION.

CHAIRMAN HEITEL: Okay. Any discussion?

COMMISSIONER WHEELER: I would like to speak against that.

I was there in the beginning. We recognized that the tourists help buy this land and they have a right to go out and see the land. And we always thought that the jeep tours would be included if we ever bought that part; it was always part of our thought. Now, how to get there, I don't know if it's the use permit and keep it that way and you don't change the Ordinance. You do not want to have the dirt bikes come in -- I mean the ATVs. You want to make sure that it's protected; and permits like they do in the forest is probably the best way to do it. But this was always the intent, with this Commission or with the Preserve. It always was that the jeep tours would be included because the tourists helped buy this land and so they have a -- that's part of our tourism. That's part of our city that brings a lot of money in and so I can't support that.

CHAIRMAN HEITEL: Any other comments?

Yeah. You know, I've been wrestling with this thing for a long, long time and I have -- you know, I think Howard probably echoed the comments closest to probably mine. You know, I think that the activities and the uses that you people have been doing out there are beneficial to the city. They're beneficial to everybody, you know, who uses your services. But the challenge we're faced -- and we're probably always going to be faced with here is maintaining this preserve as a preserve. And I don't -- I just have not been able to find any way around sort of allowing motorized vehicles on a limited basis, because I just don't think it's going to happen. I would love to be able to find a way.

I think maybe there are some ways. Howard alluded to sort of thinking outside the box a little bit. But if we start challenging the Preserve Ordinance, we've got some big challenges ahead of us, because we've got a \$70 million convention center that wants to be built in our Preserve that's a violation of the Preserve Ordinance. Do we amend the Ordinance for that? Do we amend the Ordinance for other things down the road?

And I've got a real challenge. You know, I said earlier I think staff did a really good job of looking at every potential angle there and I just don't see how in my mind I can support not staying with the Preserve Ordinance.

That said, I would love to see some additional discussion. Howard alluded to one option that might be a fantastic option. Sometimes thinking out of the box and changing a little bit can help build somebody's business. If a jeep tour went to the edge of the Preserve taking people from their hotels and taking them on their other trips and then put them on a wagon -- you know, a horse drawn wagon into the Preserve, coordinating with some dude operation or whatever, you'd have a fantastic setup there. There's a lot of logistics, it might enhance the experience, but it might also preserve the integrity of our Preserve. So that's my comments.

I'll call for -- we can have -- this is specifically a vote on one of the options that Kroy called out and that's regarding, you know, changing of the Preserve Ordinance, if I'm correct. And the motion is to keeping the Preserve --

VICE-CHAIRMAN KLEIN: It leaves our Ordinance as it is.

CHAIRMAN HEITEL: So we're clear on that. All those in --

COMMISSIONER MILILLO: Mr. Chairman, before we call the question, I just as -- you know, seconding the motion I'd just like to say that, you know, I appreciate the presentations that have been made by the business owners and everyone knows that they probably do fulfill a role in the community, and they are businesses. And I heard them mention, you know, economic reasons, tourism reasons, and Suzie also mentioned tourism, but we're not a tourism commission, we're not an economic development commission, we're here to safeguard the Preserve. It's not a park, it's a preserve. And I just see major conflicts between motorized and the wildlife resources out there and the other users.

This is not something that can only be done by motorized vehicles. The educational aspect, which I think is probably the strongest argument for allowing them if we did allow the jeep operators out there. That can be fulfilled by guided hikes, by mountain bikers, by equestrians, and so I think that that need for education is being filled. And I think this would just be a huge step to allow motorized vehicles and to ultimately amend the Preserve Ordinance for this.

CHAIRMAN HEITEL: Thank you.

COMMISSIONER WHEELER: I would like to ask a question.

CHAIRMAN HEITEL: Okay.

COMMISSIONER WHEELER: Can we allow this without changing the Ordinance?

MR. EKBLAW: Well, that's the temporary option.

COMMISSIONER NELSEN: That's the temporary option.

COMMISSIONER WHEELER: Can it be -- can that temporary go permanent?

MR. EKBLAW: Not in our mind. Not from the staff and the City Attorney's perspective in review of this without an amendment to the Ordinance.

COMMISSIONER WHEELER: In our -- you know, it doesn't say no jeep tours. It does not say no jeep tours in there; and they are stewards of the land. They help take care of it. They have not destroyed the land and it's a very integral part of our Preserve. I feel it's a part of what the -- to get people out into the Preserve. Anyway, I can't support the motion.

CHAIRMAN HEITEL: We appreciate that.

COMMISSIONER FROST: Mr. Chairman.

CHAIRMAN HEITEL: Yes?

COMMISSIONER FROST: Mr. Chairman, I'm probably going to vote against the motion, because I'd like to see more information. I'd like to see the study go through and see how it comes out. So. And what it also does is it gives these businesses a chance to look at some of these other options. It gives them a chance to maybe change their business model. They see it's not working, they get feedback, but, you know, it looks like the Commission's not going to recommend anything. But I tell you what, you don't want this thing to go to City Council, because that's going to really open Pandora's box, because I don't think they're going to be interested in opening Pandora's box over there at the City Council. So if we can't do it on a permit basis on a two-year or renewable kind of thing, the Attorney says, no, you can't ever do that, well, let's find that out.

So I'd like to see the information that comes from the study of this next nine months, so that's how I'm going to vote.

CHAIRMAN HEITEL: And what I may need is a clarification, right or wrong. This discussion can be taken in a couple of steps, because we've been given a couple of different options by staff. One could support the motion as it is, basically saying we are not going to change the Preserve Ordinance against motorized vehicles and we could have some further discussion about the temporary special use permit and how that could be accomplished in another motion after this motion.

COMMISSIONER FROST: Oh, I see.

CHAIRMAN HEITEL: That's the way I read that.

MR. EKBLAW: But I did want to clarify before we take action that as stated and perfectly fine, not to amend the Ordinance doesn't address the temporary.

CHAIRMAN HEITEL: That's correct.

MR. EKBLAW: It certainly addresses, the yes, permanent issue, but as stated it leaves open the question of yes, temporary.

CHAIRMAN HEITEL: It would be a definitive affirmation that the Commission does not want to amend the Ordinance.

MR. EKBLAW: And it's not that you can't make a recommendation to Council, but at this point nothing has been requested to go to Council. This issue was brought by the Preserve Director and by your interest in having options. And under the special use, that responsibility lies with the Preserve Director and I can seek assistance from the Commission as appropriate. And that's really part of that to that question.

So perfectly fine to go forward with that question and deal with that, but it would be appropriate to have a little more discussion and some direction.

CHAIRMAN HEITEL: I think it would be very much..

COMMISSIONER NELSEN: Chairman, could we clarify the motion then, perhaps a little bit more?

CHAIRMAN HEITEL: Yeah. Okay. Do you want to restate?

VICE-CHAIRMAN KLEIN: No. I don't want to restate.

COMMISSIONER WHEELER: No. He doesn't want to --

CHAIRMAN HEITEL: No. Not change it --

COMMISSIONER NELSEN: No. Not change it.

CHAIRMAN HEITEL: -- just say what you're proposing.

VICE-CHAIRMAN KLEIN: I propose that we recommend to the City Council that because no motor vehicles is essential to maintaining the Preserve, that the Ordinance be retained as written.

COMMISSIONER NELSEN: But that does not restrict us from a later vote on a temporary permit?

VICE-CHAIRMAN KLEIN: I'm not a parliamentarian; I don't know.

CHAIRMAN HEITEL: Yeah. The --

COMMISSIONER NELSEN: I just want to be clear on that. I'm sorry.

CHAIRMAN HEITEL: That's my understanding that we could have a discussion of the special use permit, because that has come to us.

MR. EKBLAW: As I understand that as stated.

VICE-CHAIRMAN KLEIN: If you're thinking about finding ways to do this without getting motor vehicles in the Preserve, that would be swell. Drive them to the Preserve and let them hike or let them get on a bicycle or have a hayride or something.

CHAIRMAN HEITEL: So -- oh, I'm sorry.

COMMISSIONER WHEELER: My sense of it is if you vote yes on this motion, why would the people stay around, because they aren't going to be in the Preserve full-time. Why would they even want to apply for the permit? I mean, this has to be looked at one step at a time. I think you have to try it first and decide what you want to do.

VICE-CHAIRMAN KLEIN: They've been there for 15 years driving around. I mean, I don't know what this talk about trial periods is all about. It's already been going.

COMMISSIONER WHEELER: See, you don't even want the trial period.

VICE-CHAIRMAN KLEIN: Well, I don't want the trial period.

COMMISSIONER WHEELER: No. I know. You want it all --

MR. EKBLAW: Let's just keep our -- let's talk about the motion.

CHAIRMAN HEITEL: Yeah. So we've got a motion on the table and, you know, it's a difficult issue. There's nothing --

VICE-CHAIRMAN KLEIN: I feel sorry for people who have businesses here, but this is not the place to do this sort of thing.

CHAIRMAN HEITEL: But the special use permit discussion we can have after this motion. And as Kroy alluded, special use permits can go on for a long period of time.

COMMISSIONER WHEELER: No, he didn't.

CHAIRMAN HEITEL: They're not necessarily permanent, but they can go on for a long time.

MR. EKBLAW: What we identified and proposed was -- but I think it's important to have a discussion on the motion on the floor and then we can talk --

CHAIRMAN HEITEL: Then we'll move on to special use permits.

COMMISSIONER FROST: Yes, we are. Mr. Chairman, the motion was reread. And the part that disturbs me still is that there is no need to recommend to City Council at this point anything, because we're not doing anything. We can recommend to staff that we are not interested in pursuing alternate A, which is going to City Council. So I'm still going to vote no as it's currently written.

CHAIRMAN HEITEL: Okay.

Well, we've got that discussion and the motion. All those in favor of the motion signify by saying aye.

So that's three.

And all those opposed.

So that's three, three, so the motion does not carry.

THE MOTION TO RECOMMEND TO CITY COUNCIL THAT THE PRESERVE ORDINANCE REMAIN UNCHANGED AND MOTORIZED VEHICLES NOT BE PERMITTED IN THE PRESERVE FAILED BY A TIED VOTE OF THREE (3) TO THREE (3). COMMISSIONERS WHEELER, NELSEN, AND FROST DISSENTED.

COMMISSIONER FROST: Mr. Chairman.

CHAIRMAN HEITEL: So we've got another motion, comment?

COMMISSIONER FROST: Mr. Chairman, I would move that we authorize staff to entertain and develop a temporary nine-month project as proposed.

COMMISSIONER NELSEN: I'll second.

COMMISSIONER FROST MOVED TO AUTHORIZE STAFF TO DEVELOP A TRIAL SPECIAL USE PERMIT PERIOD OF NINE MONTHS, NOTING PERMITS WOULD BE REVOCABLE, TOURS MUST PROVE EDUCATIONAL BASIS, AND THAT THE PROCESS SHOULD BE BASED ON EXISTING COMMERCIAL OPERATORS POLICY, INCLUDING COMPLIANCE WITH ALL OTHER ORDINANCE AND POLICY REQUIREMENTS. COMMISSIONER NELSEN SECONDED THE MOTION.

VICE-CHAIRMAN KLEIN: Be more specific, please.

CHAIRMAN HEITEL: A little discussion now. Fred's got a question.

VICE-CHAIRMAN KLEIN: Yeah. I'd like to hear that motion again, making it clear what we're proposing.

COMMISSIONER FROST: I move that we authorize staff to develop a trial special use permit period of nine months. Permits would be revocable. Tours must prove educational basis, use existing commercial operations. Two -- anyway it goes on there. Use existing commercial operator's policy to base this process including a fee, compliance with all other ordinance and policy requirements.

COMMISSIONER NELSEN: I'll second.

CHAIRMAN HEITEL: Essentially, as staff has presented --

COMMISSIONER FROST: Right.

CHAIRMAN HEITEL: -- the temporary trial period --

COMMISSIONER FROST: The trial period using a special use permit --

CHAIRMAN HEITEL: -- in the staff report.

COMMISSIONER FROST: -- that the Director can develop.

MR. EKBLAW: And we would return in June with a greater outline of that. Just for clarification, that's what we proposed in here.

CHAIRMAN HEITEL: And those options. Okay.

Okay. Any other further discussion?

COMMISSIONER MILILLO: Is there a second to that motion?

COMMISSIONER NELSEN: I seconded it twice.

COMMISSIONER MILILLO: Okay. Just wanted to make sure.

CHAIRMAN HEITEL: Okay.

COMMISSIONER NELSEN: I'll speak to my second. Thank you, Chairman.

I appreciate Howard's comments, because I like how he's thinking and I appreciate the emphasis he puts on opening Pandora's box about changing the Preserve Ordinance to allow motorized vehicles. However, I still think it's fair, it's more fair, to explore some of those options along with the temporary period, acknowledging that we're in the very north regions. We're already restricted by number and by location. And I just think that it is, to Suzie's point, something that has been part of our Preserve area even though it wasn't Preserve, and we need that nine-month trial at the very least to consider more options.

So that's my two cents.

CHAIRMAN HEITEL: Okay. And to add my two more cents or whatever.

I'll probably vote against this. I don't have a problem exploring alternate ideas. If the motion was more in line with a requirement that we find a non-motorized option as part of that, I'd probably be more supportive. So I'll be voting against it just to make that statement that hopefully one of those options that comes back to us is an option that makes a requirement that ultimately the motorized special use permit requires it to morph into a -- into a non-motorized activity, so that we are trying to be a little more in keeping with our Preserve Ordinance. I fear very much for the Preserve with a motorized use.

So we've got a motion and a second on the floor. All of those in favor of the motion.

So that's one, two -- raise your hands. One, two, three.

All those opposed.

So that motion does not pass.

THE MOTION TO AUTHORIZE STAFF TO DEVELOP A TRIAL SPECIAL USE PERMIT PERIOD OF NINE MONTHS, NOTING PERMITS WOULD BE REVOCABLE, TOURS MUST PROVE EDUCATIONAL BASIS, AND THAT THE PROCESS SHOULD BE BASED ON EXISTING COMMERCIAL OPERATORS POLICY INCLUDING COMPLIANCE WITH ALL OTHER ORDINANCE AND POLICY REQUIREMENTS FAILED BY A TIED VOTE OF THREE (3) TO THREE (3). CHAIR HEITEL, VICE-CHAIR KLEIN, AND COMMISSIONER MILILLO DISSENTED.

COMMISSIONER NELSEN: We need Con.

CHAIRMAN HEITEL: Do we have any other -- any other discussion?

COMMISSIONER MILILLO: Mr. Chairman.

CHAIRMAN HEITEL: Uh-huh.

COMMISSIONER MILILLO: Maybe we need to think about it a little bit more over the coming months. You know, I just -- I'm with you and your last comments that I just don't see any place for motorized vehicles in the Preserve. And so maybe after thinking about it, we come up with another creative type of a way to deal with this on a temporary basis. But, you know, I just look at it from the standpoint that motorized vehicles have invaded every part of our lives and I don't

want it to invade the people's lives in the Preserve and I don't want it to invade the wildlife's lives.

CHAIRMAN HEITEL: It's a tough issue. It's a very tough challenge. We may just – barring no other suggestions, maybe agendize it so we can have some discussion about it at our next meeting.

MR. EKBLAW: Certainly we can do that, Mr. Chairman. I know that the operators themselves will be concerned about the time frame, but we will look at – and what I think we will do is go ahead and draft up more detail of what some of that could look like, just so we'll at least make that progress and bring that back for you to review and talk to some of the details that we would have then. And we would also probably check some of the questions that were brought up and be able to address that.

CHAIRMAN HEITEL: Okay.

COMMISSIONER FROST: And Mr. Chairman, then I have a question of staff. Under what proviso are the operators currently operating and what is their limit; what are their limits to their current use?

MR. EKBLAW: We had allowed them through the end of May.

COMMISSIONER FROST: So the end of May, if this Commission doesn't have any recommendations, they're done?

MR. EKBLAW: That's what we have told them, that's correct. And even with this trial proposal they would not have been operating in the summer. It wouldn't have started back up until September.

CHAIRMAN HEITEL: Right. It would not have been operating anyway.

MR. EKBLAW: That's not changing in that regards.

COMMISSIONER FROST: But if this Commission takes no action in May, it's over for good? I mean, the issue is dead?

MR. EKBLAW: They can certainly raise the question directly to City Council.

COMMISSIONER FROST: They can go to City Council, right.

MR. EKBLAW: They can go directly to the Council.

MR. KLEIN: Which they could anyway.

COMMISSIONER FROST: Uh-huh.

MR. EKBLAW: The presumption, of course, would be that if they went to the Council without having come to you, the Council would direct it to you. So this is following what would be presumed the appropriate protocol in that regards. And with action ultimately by you, they can certainly appeal to the Council for direction as they may.

CHAIRMAN HEITEL: Well, if nobody has a problem, let's agendaize it for the next meeting and we'll have some further discussion about it and one more Commissioner will be here.

Okay. We're done. Thank you for coming.

Discussion ended at 6:13 p.m.

Hunt, Mary Beth

From: Hunt, Mary Beth
Sent: Friday, February 15, 2013 12:38 PM
To: Hunt, Mary Beth
Subject: McDowell Sonoran Preserve Public Comment (response #10)

McDowell Sonoran Preserve Public Comment (response #10)**Survey Information**

| | |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Site: | ScottsdaleAZ.gov |
| Page Title: | McDowell Sonoran Preserve Public Comment |
| URL: | http://www.scottsdaleaz.gov/boards/MSPreserve/msppc |
| Submission Time/Date: | 2/15/2013 12:37:13 PM |

Survey Response**COMMENT**

Comment:

Hello my name is Doreen O'Connell and I own Arizona's Desert Events. I have had the pleasure of meeting several of you at past meetings. I have been in the Desert Tour industry for over 25 years and it has been my life. I love what I do. Our company offers tourist and locals an opportunity to experience a part of Arizona that not many people can do on their own. Our Native American and cowboy guides educate our visitors about our indigenous plant life, fascinating wildlife and extraordinary history. We try to help them envision what life was like here over 100 years ago. I have been operating in the Granite Mountain area since 1999 under a SLUP from the State Land Dept and in excellent standing. The land is now owned by the City of Scottsdale. We have been in meetings during the past 10 years in regard to the city's plan to acquire this land. We have always been told that the city would find a way to grandfather us in so that we could continue to operate our tours in this area. This is the only trail we have and without it we will be forced to close our business. We were recently told that as of June 1, 2013 that we will no longer be able to operate in this area. I am formally requesting that this issue be added to the agenda of the next Preserve Commission meeting so that we can address this with the commission

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| | before going before the City Council. Thank you for your time and consideration. |
| Comments are limited to 8,000 characters and may be cut and pasted from another source. | |
| PLEASE PROVIDE YOUR NAME: | |
| First & Last Name: | Doreen O'Connell |
| AND ONE OR MORE OF THE FOLLOWING ITEMS: | |
| Email: | <u>ade3326@gmail.com</u> |
| Phone: | (602) 569-4889 |
| Address: | 3326 E Renee Drive, Phoenix 85050 |
| Example: 3939 N. Drinkwater Blvd, Scottsdale 85251 | |

Hunt, Mary Beth

From: Hunt, Mary Beth
Sent: Monday, March 18, 2013 10:06 AM
To: Hunt, Mary Beth
Subject: McDowell Sonoran Preserve Public Comment (response #12)

McDowell Sonoran Preserve Public Comment (response #12)

Survey Information

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|-----------------------|-----------------------------------------------------------------------------------------------------------------------|
| Site: | ScottsdaleAZ.gov |
| Page Title: | McDowell Sonoran Preserve Public Comment |
| URL: | http://www.scottsdaleaz.gov/boards/MSPreserve/msppc |
| Submission Time/Date: | 3/18/2013 10:05:22 AM |

Survey Response

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| COMMENT | |
| Comment: | <p>Dear Commission Members, We believe the following from the Glossary of Terms on the City's website to be the key to grandfathering us in to the Preserve without having to make changes to the ordinance. Non-conforming Use A use that does not conform to the regulations that apply to a property. Sometimes a use becomes non-conforming when subsequent regulation changes what is allowed on the property. A non-conforming use, under these conditions may be "grandfathered" in or permitted to continue for a designated period of time, subject to certain restrictions. Please let us know your thoughts on this. We look forward to meeting with you all again.</p> |
| Comments are limited to 8,000 characters and may be cut and pasted from another source. | |
| PLEASE PROVIDE YOUR NAME: | |
| First & Last Name: | Doreen O'Connell |
| AND ONE OR MORE OF THE FOLLOWING ITEMS: | |
| Email: | ade3326@gmail.com |

| | |
|----------------------------------------------------|---------------------------------|
| Phone: | (602) 569-4889 |
| Address: | 3326 E. Renee Dr, Phoenix 85050 |
| Example: 3939 N. Drinkwater Blvd, Scottsdale 85251 | |

Hunt, Mary Beth

From: Hunt, Mary Beth
Sent: Thursday, May 02, 2013 1:40 PM
To: Hunt, Mary Beth
Subject: McDowell Sonoran Preserve Public Comment (response #15)

McDowell Sonoran Preserve Public Comment (response #15)

Survey Information

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|-----------------------|-----------------------------------------------------------------------------------------------------------------------|
| Site: | ScottsdaleAZ.gov |
| Page Title: | McDowell Sonoran Preserve Public Comment |
| URL: | http://www.scottsdaleaz.gov/boards/MSPreserve/msppc |
| Submission Time/Date: | 5/2/2013 1:39:49 PM |

Survey Response

| COMMENT | |
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| Comment: | <p>Our company operates desert tours to promote the Sonoran Desert and to educate our guests about Arizona and the unique eco system of our desert. I would like to provide you with a few emails from our guests. The number one response we hear from our guests is how much they learned on our tours. Attached are the pictures I took of the eagle we saw on our Jeep Tour. We had a wonderful time on the tour. Learned so much. The kids are still talking about the tour. Thank you!!! Sherri (Taylor group) Hi Doreen, Just wanted to let you know how much our group enjoyed the tour and cookout event! We had so much fun on the desert tour and learned so much. Rosanna was so much fun – she had so many stories and I got a kick out of all of her silly jokes. This was a great team builder for our group and very educational! I will be sure to refer you to any co-workers that will be out your way! Rebecca H. GlaxoSmithKline Hello: Just wanted to let you know how much we enjoyed our Sunset Desert Tour. It was overcast and rainy, but we still had a wonderful time! Rosanna was very professional and an excellent tour guide. She explained how the desert was once under water, pointed out the nearby mountains, knew the plant names and uses, identified the local wildlife, spent time explaining the numerous snakes in the area</p> |

and told great historic stories. We learned so much! I would highly recommend this tour! Donna T. Hi Doreen: A quick note to let you know how much we enjoyed the jeep tour. The desert was beautiful - the guides were informative - it was a beautiful day. Rosemary B. Doreen, The tour and cookout went beyond our expectations. The whole group commented that it was such a fun and educational experience. Thank you very much for being so accommodating. We will definitely recommend you in the future. Mary Ellen Franklin Center Hi Doreen, It's been my absolute pleasure to recommend AZ Desert Events! Our tour and cookout with your company is my favorite memory from the time we spent in AZ. We had no idea how much we would learn about the history of Arizona, it was fascinating! Susan Schneider Friedrich Naumann Foundation Hi Doreen, My name is Vivian K. and I was a member of Jennifer M.'s party who toured with Rosanna this week. I want to add my thanks to her for a most enjoyable tour. She knows her stuff and was friendly and entertaining in educating us. I had a great time. We would like to give you a huge 'Thank You' for the wonderful desert tour. We wanted to do something special to build memories. The afternoon did just that! You were great, making special accommodations for a wheelchair, making sure we had warm blankets if the weather was cold - plus giving us a FANTASTIC guide. I highly recommend your company and have passed the word along to my friends. Sander's Clan! We had a GREAT time and learn so much! Our guide was unbelievable. Thanks D. Andre Kraft / Senior Sales Manager Worldwide

Comments are limited to 8,000 characters and may be cut and pasted from another source.

PLEASE PROVIDE YOUR NAME:

First & Last Name:

Doreen O'Connell

AND ONE OR MORE OF THE FOLLOWING ITEMS:

Email:

ade3326@gmail.com

Phone:

(602) 569-4889

Address:

3326 E Renee Dr, Phoenix, AZ

Example: 3939 N. Drinkwater Blvd, Scottsdale 85251

Hunt, Mary Beth

From: Hunt, Mary Beth
Sent: Tuesday, May 07, 2013 10:07 AM
To: Hunt, Mary Beth
Subject: McDowell Sonoran Preserve Public Comment (response #17)

McDowell Sonoran Preserve Public Comment (response #17)

Survey Information

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|-----------------------|-----------------------------------------------------------------------------------------------------------------------|
| Site: | ScottsdaleAZ.gov |
| Page Title: | McDowell Sonoran.Preserve Public Comment |
| URL: | http://www.scottsdaleaz.gov/boards/MSPreserve/msppc |
| Submission Time/Date: | 5/7/2013 10:06:02 AM |

Survey Response

| COMMENT | |
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| Comment: | <p>Dear Commissioners: I wanted to let a little time pass before contacting you so I can speak with a clear mind. The outcome of your decision last week puts my company and my employees out of work come June 1st. Hopefully we will be able to change that. What I need to address are the thoughts that our presence in the preserve has a negative impact on the land and wildlife. This could not be further from the truth and we have proven that over the last 15 years. Without our presence in this area during this time you would not be just mitigating trails you would be hauling out 15 years of garbage. When we started operating out there this was a garbage dump. We hauled out furniture and construction debris on our own. We cleaned and cared for this area when no one else did. We preserved this land and made it what is today. The fact that you now want to punish us for this is unbelievable. We were promised we would be able to operate there once this became preserve. And there are still many people who can testify to that, Susan Wheeler being one of them. Susan, Marg and Bob I cannot thank you enough for wanting to do the right thing. Mr Heitel, you have gone against a promise that the commission you now lead and the city made to us since 2001. You requested the city staff find a</p> |

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| | <p>way to allow us to operate and they did. Years ago you stated you did not want jeep tours out there and we had hoped that with proof our positive track record you would now be open minded. But you betrayed us and voted against us!</p> |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Comments are limited to 8,000 characters and may be cut and pasted from another source.

PLEASE PROVIDE YOUR NAME:

| | |
|--------------------|------------------|
| First & Last Name: | Doreen O'Connell |
|--------------------|------------------|

AND ONE OR MORE OF THE FOLLOWING ITEMS:

| | |
|----------|------------------------------|
| Email: | <u>ade3326@gmail.com</u> |
| Phone: | (602) 569-4889 |
| Address: | 3326 E Renee Dr, Phoenix, AZ |

Example: 3939 N. Drinkwater Blvd, Scottsdale 85251

Hunt, Mary Beth

From: Hunt, Mary Beth
Sent: Tuesday, May 21, 2013 8:40 AM
To: Hunt, Mary Beth
Subject: McDowell Sonoran Preserve Public Comment (response #19)

McDowell Sonoran Preserve Public Comment (response #19)

Survey Information

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| Site: | ScottsdaleAZ.gov |
| Page Title: | McDowell Sonoran Preserve Public Comment |
| URL: | http://www.scottsdaleaz.gov/boards/MSPreserve/msppc |
| Submission Time/Date: | 5/21/2013 8:39:36 AM |

Survey Response

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| COMMENT | |
| Comment: | I'm against allowing jeep tours in the Preserve, as it would be contrary to existing rules banning motorized transport and contrary to the well-documented goal to limit Preserve activities to "passive recreation." Here are my credentials: - Founding member and original chair, McDowell Sonoran Conservancy; - Member, McDowell Mountains Task Force ('93); - Past member 2 committees, McDowell Sonoran Preserve Commission' - Chair, Promotion Committee, Save Our McDowells (Preserve tax PAC '95). |
| Comments are limited to 8,000 characters and may be cut and pasted from another source. | |
| PLEASE PROVIDE YOUR NAME: | |
| First & Last Name: | Pete Chasar |
| AND ONE OR MORE OF THE FOLLOWING ITEMS: | |
| Email: | pjc@chasar.com |
| Phone: | |
| Address: | |

Example: 3939 N. Drinkwater Blvd, Scottsdale 85251

Jagger, Carolyn

From: John Aleo <jsaleo@q.com>
Sent: Thursday, June 06, 2013 7:11 AM
To: City Council; Lane, Jim
Cc: Hamilton, Scott; Hadder, Don; Jagger, Carolyn
Subject: No Jeep Tours In Preserve

Preserve the "Preserve". There are many alternatives to "Jeep Tours". Encourage the alternatives listed below that preserve the desert and Scottsdale's western heritage. Scottsdale is not New York City with cactus. Every time the council takes the wrong step, we lean more to being New York City, LA, Chicago, etc. The natural wildlife in the preserve is scared off by motorized vehicles; not to mention the destruction of the plants.

I have ridden my horses in the subject area for decades and have personally seen the decay of the desert environment caused by motorized vehicles. Why cause more damage? On horseback, I have walked up to deer, havalina, quail, hawks, rattlesnakes, roadrunners, and most other types of desert life. For some reason, they are not afraid of a person on horseback.

Options like horseback rides, carriage rides, or even stage coach rides could be easily implemented as an alternative to driving a jeep into the Preserve and would be a far better western experience for the visitors that want to experience the Preserve but aren't able to hike or ride a bike in it. These types of uses would not violate the Preserve Ordinance which allows equestrian activity.

For those who can't or do not want to ride a horse, horse drawn carriages and stagecoaches are an excellent idea. Create routes for horse drawn carriages and stagecoaches and sell rights to those type vendors. Provide destination points and facilities for such vendors within the preserve. Then you will have a real tourist attraction. Allow Jeep Tour vendors (not buses) to deliver tourists to said destination points or suggest that they trade in their jeeps for carriages and stagecoaches.

There is no need to destroy the natural desert preserve in lieu of jeep tours. Why did we purchase the land for a preserve? Only non-vehicular traffic should be allowed within the preserve, except to get to destination point or facility.

No Jeep Tours In Preserve; Please insert into the public record for this issue to heard at city council meeting.

John S. Aleo CRB CRS GRI
Realtor@Eminentus

Smetana, Rachel

Subject: FW: Jeep Tours

From: Con Englehorn [mailto:con2@headquarterswest.com]

Sent: Tuesday, June 11, 2013 8:37 AM

To: Lane, Jim

Subject: Jeep Tours

Mayor Lane

I am opposed to allowing ANY motorized vehicles in the Preserve and voted accordingly at the Preserve Commission meeting. It is abundantly clear in Ordinance No. 3321 that it was the desire of the Scottsdale voters and City Council to create a Preserve for passive recreational use only.

Page 1 of the Ordinance, Article 1. Sec.21-2(a). **Purpose of the Preserve-** *The purpose of the McDowell Sonoran Preserve is to establish in perpetuity a preserve of Sonoran desert and mountains to maintain scenic views, as habitat for wildlife and desert plants; to protect archaeological and historical resources and sites, while providing appropriate public access for educational purposes; and to provide passive outdoor recreation opportunities for residents and visitors.*

Ordinance Article III. Sec.21-11. Definitions. defines Passive Recreation activities as **non-motorized**, and there are multiple references to non-motorized and passive use throughout the Ordinance.

The COS Commercial Permit for the Preserve states: "Permits will only be issued for **passive recreational activities** that meet the purpose, management objectives, and rules and regulations of the Preserve, as outlined in Chapter 21 of the Scottsdale revised Code."

Regarding the educational aspect of the Preserve jeep tours. The Arizona OHV Association/National OHV Conservation Council (primarily ATVs) has an education program "Responsible OHV Recreation". They also have an educational program with Arizona Game and Fish Dept, the Watchable Wildlife Program, sponsored in part by the Heritage Fund. The current jeep tour companies have no specific educational curriculum nor consistent educational program. They are commercial operators, pure and simple.

Regarding tourism/economic development. There were approx 350,000 "passive" visitors to the Preserve in 2012-2013 season. With the addition of the newly acquired acreage and the new Brown's Ranch Trailhead it could easily reach 500,000 next year. There is no count of jeep tour participation, but even if it was 1,000 additional visitors it is a relatively small reward vs. the risk and increased COS management cost that would be involved with the addition of motorized vehicle use in the Preserve.

It is my understanding from City Staff that if motorized vehicles(jeep tours) were to be permitted, the City could not restrict the number nor size of tour operators. Today there are three, tomorrow there could be six or ?.

Do you believe if you allow commercial jeep tours that the OHV community and their attorneys won't be knocking on your door? They have motorized vehicles, include tourists, and have real educational programs.

Con Englehorn

Smetana, Rachel

Subject: FW: Please Preserve Our Preserves

From: Sabrina Nelson [mailto:sabrina_nels@yahoo.com]

Sent: Monday, June 10, 2013 5:38 PM

To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; limlhaven@scottsdaleaz.gov; Robbins, Dennis E

Subject: Please Preserve Our Preserves

Dear Ladies and Gentleman,

If you are only going to read a part of this email, please read the last two paragraphs

It has come to my attention that use of motorized activity within the preserve north of Dynamite Road, headed into the Tonto National Forest, will come under question on June 18, 2013. I am not a biologist or botanist, but I am a native resident of Arizona who grew up hiking the trails of Arizona and wish to do the same with my kids one day. Through this pastime, I have not only gained an appreciation and love of the flora, fauna and wildlife that surrounds us, but I have also witnessed the environmental destruction that motorized vehicles can cause.

It does not take a scientist to identify the negative effects of motorized vehicles on trails. I personally have witnessed everything from the basic erosion of trails and cacti limbs being ripped off, to the careless dumping of large waste items by individuals (with their vehicles) whose complacency has disrupted and polluted the habitat of our desert dwellers. Additionally, if you have ever been on a trail and heard the ominous sound of an ATV or dirt bike headed in your direction, you will know that it is terrifying and enough to deter even the most experienced hiker or mountain biker – let alone tourists.

That said, I work in the business of tourism; my livelihood depends on it. I understand and respect the desire for the off-road tour companies to want to maintain access to the preserve so that they can provide tourists with an off-road experience that is also educational. However, I also understand that our urban deserts and the abundance they provide will one day be the main, if not only, differentiator between us and other tourist destinations. Without preservation of our urban deserts, the wildlife and spring blossoms that the tourists love to tell their friends about may one day be nothing more than a sea of lifeless, brown dirt-roads that the motorized vehicles have carved. If this happens, what is our sales-pitch to tourists? Golf, shopping and swimming pools....welcome to our sea-of-sameness. I realize the picture I am painting is an extreme, but all extremes start somewhere and this decision is the beginning of our extreme.

In closing, I am against opening up the preserve to motorized vehicles for the simple reason that the urban desert is our differentiator in a sea-of-sameness. The urban desert preserves must maintain their bounty and beauty for the generations of tourists and residents to come and, in the long run, this beauty can only be maintained by un-motorized activities. If we do not respect the boundaries of our preserves now, we and our environment will pay for it later. I implore you to maintain and respect the current rules of our preserves so that my kids may one day experience the peacefulness and beauty of our deserts without the fear of a motorized vehicle zipping around the corner into their path.

Smetana, Rachel

Subject: FW: THE PRESERVE

From: Farideh Mohajer [<mailto:fmohajer@hotmail.com>]

Sent: Tuesday, June 11, 2013 6:29 AM

To: Lane, Jim

Cc: ykorte@scottsdaleaz.gov; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; lmilhaven@scottsdaleaz.com; Robbins, Dennis E

Subject: THE PRESERVE

I believe that the integrity of the Preserve must be maintained and motorized vehicles must be kept out of the Preserve. Since my husband, Cyrus Tajbakhsh and I are abroad we cannot attend the June 18th meeting. We request keeping the Preserve a preserve and not turn it into a park or worse. Once motorized activity is allowed in the door will be open to all others. Please, please, please, do not mess with the preserve.

Thanks and Regards,

Farideh Mohajer

Smetana, Rachel

Subject: FW: Jeep Tours in the Preserve

From: John Holdsworth [<mailto:ihh@tlxinc.com>]

Sent: Tuesday, June 11, 2013 7:55 AM

To: Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Robert; Milhaven, Linda; Phillips, Guy; Robbins, Dennis E

Subject: Jeep Tours in the Preserve

Mayor, Vice Mayor, Members of Council,

I understand that you will be shortly reviewing the matter of whether or not to continue to provide Jeep Tour operators access to the McDowell Sonoran Preserve in the area near Granite Mountain that was acquired last November. While I understand the current city ordinance bans motorized-vehicle use within our Preserve, I ask that you consider modifying the ordinance to include, at least initially, limited use of controlled motorized access to those companies (and in time perhaps others) that have been providing Tours in that area for a number of years. This small area already has an existing trail for that purpose, therefore minimizing the risk of further damage to the desert and these companies generate jobs, are good stewards of the land and add to Scottsdale's array of world-class amenities and experiences.

I support and am a true believer in the creation of a sustainable Preserve for the benefit of all, not only for this, but for future generations as well. However, not everyone has the ability, time or desire to walk, run, ride a bike or horseback into this precious natural resource, so it seems to make sense that with careful guidance and monitoring, this option would truly open up the Preserve to all and particularly, in this case to our many visitors who have showed desire and support for this option in the past. Please keep in mind that Tourism is one of Scottsdale's largest industries, contributing nearly \$3 billion in economic impact annually to the community, which allows us, in part, to embark on such projects as the Preserve in the first place.

Sincerely,

John

John H. Holdsworth
President & Chief Executive Officer



7944 e. Beck Lane
Suite 200
Scottsdale
Arizona 85260, USA.
Tel: +1 480 368 4301
Fax: +1 480 626 5208
www.tlxinc.com

Smetana, Rachel

Subject: FW: Motorized Vehicles

-----Original Message-----

From: PAS@cox.net [mailto:PAS@cox.net]

Sent: Monday, June 10, 2013 11:26 AM

To: City Council

Subject: Motorized Vehicles

PEASE DO NOT ALLOW MOTORIZED VEHICLES IN ANY OF THE AREAS IN QUESTION. THE JEEP TOURE MUST NOT BE PERMITTED TO RIDE ON ANY OF THESE TRAIL AREAS.

NO EXCEPTIONS FOR ANYONE.

THANKS,

ANITA & PHILIP SELTZER

Smetana, Rachel

Subject: FW: Preserve

-----Original Message-----

From: Teresa Elmore [mailto:runner-girl@cox.net]

Sent: Monday, June 10, 2013 10:58 AM

To: City Council

Subject: Preserve

Please do not allow motorized transportation in the preserve, there are more viable options , like carriage rides, bicycle, horseback etc. Thank You for this consideration. Mr. Mrs. Elmore

Sent from my iPad

Smetana, Rachel

Subject:

FW: Keeping Motorized Vehicles out of the N. McDowell Sonoran Preserve

From: laurel Hodgdon [mailto:mountain-laurel@msn.com]

Sent: Monday, June 10, 2013 8:08 AM

To: City Council; Lane, Jim; Korte, Virginia; Klapp, Suzanne; Milhaven, Linda; Littlefield, Robert; Phillips, Guy; Robbins, Dennis E

Subject: Keeping Motorized Vehicles out of the N. McDowell Sonoran Preserve

June 10, 2013

Dear Council men and women,

I am writing as a concerned Scottsdale resident and avid proponent of the preserve. It has been brought to my attention through my homeowners association (Sincuidados, on Pima/Dixileta) that despite the city ordinance; prohibiting motorized vehicle access in the N. McDowell Sonoran Preserve, there are financially interested parties that would like to change this ordinance in their favor. By it's very definition a "Preserve" is to be kept safe from injury, harm or destruction. It is to *naturally* protect, keep alive, and intact all that are contained and thriving within its boundaries. Since this is a natural and protected preserve area owned by the city of Scottsdale, any fiduciary gains as a result of access to the preserve should be toward further improvement, protection and preservation of the park. It's no secret motorized vehicles are destructive to the park and its inhabitants. The tax revenue the city derives from such activity will simply and obviously never compensate for the destruction they will cause to the preserve and its inhabitants. Aside from the pollution and overall impact motorized vehicles will have on our air quality, the trail maintenance that has been recently performed will be for naught and a waste of the taxpayer's dollars which have funded this very effort.

There are a multitude of nearby options the jeep tours concerns have to conduct their business and it should not be at the expense of the preserve and its inhabitants. While many tourists are interested in the preserve, it's up to us as a city to determine how and at what costs we allow their enjoyment of this wonderful natural preserve. The new trailhead makes it extremely convenient for visitors to enjoy some of the greatest scenic features of the park on foot or by bicycle and disrupts no living creature, trail, other visitors or residents. Therefore, I hope you will uphold the ordinance and disallow motorized vehicle access in the N. McDowell Sonoran Preserve.

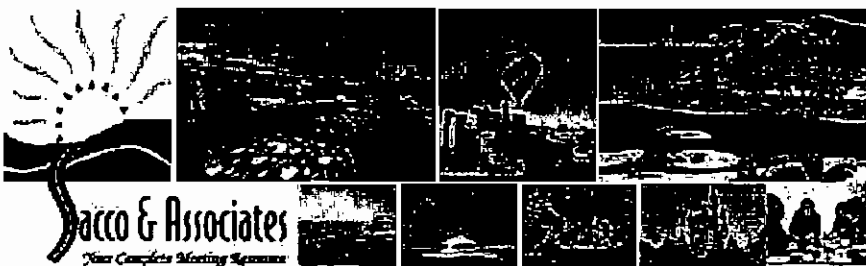
Sincerely,

Laurel Hodgdon
8300 E Dixileta Dr.
Scottsdale, AZ 85266

Smetana, Rachel

Subject: FW: June 18th City Council Vote on Granite Mountain Jeep Tour Permit

From: patti@saccodestinatons.com [<mailto:patti@saccodestinatons.com>]
Sent: Monday, June 10, 2013 7:52 AM
To: City Council
Subject: June 18th City Council Vote on Granite Mountain Jeep Tour Permit



TO: Scottsdale City Council

FROM: Patti Sacco, Managing Dir.

RE: Continued Use of Granite Mountain Trail for Jeep Tour Use

DO YOU ALL REALLY UNDERSTAND!!!!

Jeep tours are what put Scottsdale on the map in the overall tourism development in the Valley of the Sun. And now the City is trying to keep us from a spectacular area of the desert that we have used and kept pristine for nearly 20 years. In 2002 the City of Scottsdale created the McDowell Mountain Preserve Ordinance that keeps motorized vehicles out of a designated area. This area has grown over the years. The issue at hand is that the City promised 15 years ago that they would never take trail away from us and now YOU are doing exactly what YOU vowed what you said you would not do!!!

This letter to the Scottsdale City Council in support of continued use of the Granite Mountain trail. This trail is now part of the Sonoran Desert Preserve. Jeep Tours should be allowed. I ask that the City Council on June 18th, vote in our favor on this issue for **Jeep Tours to be permitted in the preserve! We all support tourism which is paid for the preserve.**

I respectfully submit,
Patti Sacco, Managing Dir.
Sacco & Assoc. Inc. "The Complete Meeting Resource"

Smetana, Rachel

Subject: FW: Desert Tour Operators Exclusion to Dust Control Ordinances

From: Joe Taglia [<mailto:joe@jtaglia.com>]

Sent: Monday, June 10, 2013 5:25 AM

To: City Council

Subject: Desert Tour Operators Exclusion to Dust Control Ordinances

For those of us who live near the natural desert in Scottsdale you all became our heroes when you adopted the dust control measures a few years ago.

I'm a regular desert hiker and was saddened by the scarring of our desert by motorized vehicles. Now that motorized vehicles have been banned the area near me (Pima/Dynamite) is slowly recovering from years of abuse.

I understand that the Desert Tour Operators would like you to exclude them from this ordinance because, according to them, it's hurting their business. While the dust control ordinances may be inconvenient for them if they were truly destructive wouldn't they have gone out of business years ago? Brown's Ranch Trailhead opens today to the public and provides an excellent educational alternative to Jeeps roaming through the desert.

I think you got it right when you stated the purpose of the ordinances, "The purpose of this section is to recognize that preservation of the western rural residential lifestyle in limited areas of the city promotes the health, safety, aesthetic and general welfare of the citizens of the city." The operative phrase is "of the citizens", not "of the commercial enterprises".

I, and many of my Troon North neighbors, hope that you will keep the dust control measures as written and reject this attempt to exclude tour operators.

Thank you,

Joe Taglia
9361 E Hunter Ct
Scottsdale, AZ 85262
480-473-8278

Smetana, Rachel

Subject:

FW: Revision of the Sonoran Desert Preserve Ordinance

From: Wayward Wind Tours [<mailto:azaware@msn.com>]

Sent: Monday, June 10, 2013 5:15 AM

To: City Council; ade3326@gmail.com

Subject: Revision of the Sonoran Desert Preserve Ordinance

Dear Honorable Members of the Council:

As way of background for the issue of Jeep tours in the preserves I would like to explain a little bit about the history. Around 1997 we became aware that the City of Scottsdale was creating the Preserve in the McDowell Mountain Area. Many of the Jeep tour operators contacted the City and were informed that this was going to cover the area south of Rio Verde. Since we were operating North of Rio Verde we were told not to be concerned.

The Ordinance creating the Sonoran Desert Preserve that keeps out motorized vehicles was written and enacted in 2000. None of us were informed of the ordinance. When we were made aware of it we were once again told not to worry, the ordinance was never intended to keep Jeep tours from operating in the desert. In fact, one of the at one of the meetings a member of the council was quoted as saying, "Jeep tours put Scottsdale on the map. We will grandfather them into the preserve." In 2001 at a meeting to discuss the land being reclassified for preservation Mayor Mary Manross personally promised that the jeep tours would be allowed to continue operating. At that time and up until 3 years ago we were also promised by the Preserve Commission that we would be allowed to operate in the preserve.

Since then we have been informed that "Grandfathering" is terminology used only if the State Land Use Permit was in effect. Since the City of Scottsdale now owns the land that is no longer an issue. It appears that the major concern of the Preserve is that if they allow us to use the area that they will open the door to other motorized vehicles. The Tonto National Forest has effectively regulated the use of their trails so it is entirely possible that the City Council can effectuate language that can keep the use to only our companies.

What is now at issue is that 3 small Jeep tour companies need a place to operate in order to stay in business. If we are not allowed to use the preserve we will lose our livelihood. All we want is to use 3 miles of the preserve in the Northern most point that most of the public will not have access to since it is too far to hike or bike to. We will continue to promote tourism while educating the public as to the wonders of the Sonoran Desert to create a new generation of stewards of this delicate ecosystem. Our efforts will keep these areas alive in the hearts and minds of the public and allow access to many folks that can't get there on their own.

We thank you for your consideration,

Kim Fenn

PHONE:602-867-7825

Smetana, Rachel

Subject: FW: Protecting the Preserve from motorized vehicles/June 16th vote

From: Vicki Kaplan [mailto:vicki.kaplan2@gmail.com]

Sent: Sunday, June 09, 2013 6:47 PM

To: City Council

Subject: Protecting the Preserve from motorized vehicles/June 16th vote

Dear City Council Members,

So many enjoy the beauty and serenity of hiking, biking or horseback riding in the Preserve—residents and tourists alike. I hike in the Preserve, just north of Dynamite, both off of 93rd as well as at Alma School, a couple of times a week. This is time I give to myself to be reminded of why I live in this area. Tourists want to see the area as well, but by jeep is not truly giving them the best view of our desert and all that it showcases. More importantly, these jeep tours are causing damage to the Preserve. I have seen firsthand, as I hike the area, the damage caused by motorized vehicles. Trash is left behind, bushes taken out because of the jeeps driving over them, trails widened, again, because of the jeeps choosing to drive off the pathways.

If jeeps are allowed to run in the "Preserve," the Preserve the city has worked so hard to set aside will only deteriorate. What everyone has worked so hard to save, will slowly disappear. I hope you will vote "NO" to motorized vehicles in the Preserve, helping to maintain it for future generations.

Thank you,
Vicki Kaplan

VICKI KAPLAN | ARIZONA BEST REAL ESTATE
REAL ESTATE CONSULTANT
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Smetana, Rachel

Subject: FW: Jeep Tours and OUR Preserve

From: Howard Myers [<mailto:howard.myers@cox.net>]

Sent: Sunday, June 09, 2013 4:45 PM

To: Lane, Jim; Littlefield, Robert; Robbins, Dennis E; Milhaven, Linda; Klapp, Suzanne; Phillips, Guy; Korte, Virginia

Subject: Jeep Tours and OUR Preserve

Mayor and Council

At your Tuesday, June 18th, meeting you will be considering allowing jeep tours to continue to operate on the land recently acquired for Scottsdale's Preserve. I am sure you have been lobbied to allow them to continue, based on the perceived benefit to our tourism industry, and that the operators educate tourists on the desert. I don't think anyone would doubt that such tours in the Preserve do provide a benefit to some tourists, and that the tour operators are good stewards of the land, however there are a number of factors I would hope you would consider when making any decision regarding allowing jeep tours in the Preserve.

First and foremost, any motorized activity in the Preserve is in violation of the Preserve Ordinance. There are numerous reasons why motorized activity was banned from the Preserve, and every one of them is just as valid today as the day the Preserve Ordinance was created. If you open this door and allow the jeeps to operate in OUR Preserve, you will have opened a door you will never be able to close and that others will take advantage of. There are already other jeep tours interested in operating in our Preserve, and there are tour operators who use all terrain and dirt bikes to conduct their tours, how do you keep them out once you have allowed some to operate in violation of our Preserve rules? The short answer is you can't. No matter what your legal staff says, and no matter how you try to accomplish allowing them to continue to operate, once you allow one, you will not be able to keep others out. Their lawyers will cut the city up if you try and believe me many of them have the resources to do that where as these few jeep companies don't.

Second, whatever discussions that may have taken place in the past regarding keeping jeep tours in the Preserve, were just that, discussions. I participated in many if not all of them. No promises were made or could be made as no one had the authority to make such promises. Furthermore these discussions took place when there was very little if any chance that Scottsdale would acquire the lands the jeeps were operating in. As long as the State Land Department owned the land, regardless of its status, the jeeps could obtain a permit from the state. All that changed when we were fortunate enough to acquire all the land we have in the past few years. Now it is officially in the Preserve it is governed by the Preserve Ordinance. Everyone, including the jeep tour operators, knew that once the city owned the land, they could no longer operate any motorized vehicles on it. I have talked to a number of dirt bikers who have switched over to trail bikes once the city acquired the land and even they understand why they can no longer operate their dirt bikes on that land and have found acceptable alternatives.

Third, the number of tourists served by these jeep companies is an extremely small percentage of those tourists who want to experience the Preserve. Most of them will experience it by hiking, biking, or riding a horse in it, which is what was intended when the Preserve was formed. I know because I have met many of them on the trail and they are ecstatic about the Preserve and being able to enjoy it in that way. To compromise the whole Preserve for those few individuals who want a jeep ride in the Preserve would be impossible to justify.

In addition, for those few who can't hike or bike in the Preserve, or who can't ride a horse on a horseback tour, there are alternatives, which we have discussed with the jeep tour operators. We suggested they link up with outfitters so their guests could go into the Preserve, using an acceptable mode of transportation, on horseback or in a wagon, carriage, or stage coach. All these forms are allowed in the Preserve and would be totally acceptable. Not only that, but the experience the tourists would get would be far better, and more "western", than riding in a jeep. Think about it, what would be a better experience than riding into the Preserve in a stage coach or carriage? This would be something only Scottsdale has. Lots of places have jeep tours but who has a stagecoach or carriage tour? We have already identified people interested in providing that service, in cooperation with the Jeep Tours so everyone wins.

In summary, the Preserve should never be compromised for any reason, much less to satisfy such a small group of people or to provide a profit for such a small select group. Allowing any motorized use will open up the Preserve to other prohibited uses, totally compromising it. Furthermore, since there are also some viable and even preferable alternatives that would keep the tour operators in business, there is absolutely no reason to grant exceptions to the rules in the Preserve Ordinance. To do so would be irresponsible and would violate the bigger promise made to the citizens of Scottsdale, that the money they voted on would be used to buy and preserve land would be forever held as a Preserve, not as a park and certainly not for some outside company to make a profit off of.

Thank you for your past support of the Preserve and consideration in making sure it will remain the Preserve we all voted for.

Howard

--

Howard Myers

Home:

Addr: 6631 E. Horned Owl Trail
Scottsdale, AZ 85266-8511

Phone: 480-473-0109

E-mail: howard.myers@cox.net

Please use the Home information above.

FLIR has closed the Scottsdale facility so none of the previous work e-mail or phone work anymore

Smetana, Rachel

Subject: FW: CITY PRESERVE PROPERTIES

From: Jerome Allan Landau [<mailto:harmony@doitnow.com>]
Sent: Sunday, June 09, 2013 4:06 PM
To: City Council
Cc: howard.myers@cox.net; 'Linda Ambrose'
Subject: CITY PRESERVE PROPERTIES

To the City of Scottsdale Council Members;

My wife, neighbors and I strongly oppose permitting any motorized vehicles to drive onto any of the City's Preserve Property.

We citizens of Scottsdale, in return for such monies being specifically earmarked for the City to purchase, protect and preserve Scottsdale natural desert properties (the City leadership's "consideration"), proudly and continuously have voted to pay extra tax monies in order to permit the City to purchase, on

behalf of its citizenry, such natural desert properties. The City's agreement and consideration was that it would "preserve" in such property in all its natural glory. We did not do agree to be taxed in order for the City leadership to in any way permit commercial (or non-commercial) businesses to drive

motorized vehicles on the Preserve Property.

- I urge that you consider the good of the many (citizens) rather than to profits of the small number of jeep tour operators.
- I respectfully suggest that permitting otherwise would be to ignore the will of the citizenry and desecrate the Natural Preserve which has been promised to us in return for our incurring additional taxes.
- I further suggest that granting motorized access (commercial or otherwise) onto any Preserve Property would constitute our City Leadership's broken promises and breach of the contract between it and we, the citizens of Scottsdale (who, in consideration of the promise of Natural Preserved property, paid for the purchase the property.) This in turn might discourage Scottsdale's citizens from further donating funds to the preservation of our Scottsdale desert, and in some cases engender requests for reimbursement of such "donated" funds in light of a breach on the part of the City to fully honor its commitment to the donor taxpayers.

Respectfully,

Jerome Allan Landau
Attorney - Arbitrator - Mediator

**Jerome serves as a Neutral in mediations, arbitrations, facilitations
and other dispute resolution processes
Peer Certified to the National Academy of Distinguished Neutrals and**

the International Mediation Institute (the Hague)

Mail: 8711 E. Pinnacle Peak Road #208
Scottsdale, AZ 85255
Tel: 480.585.3155 Fax: 480-502-9876
Cell: 480-203-9903
Toll-free 1.800.754.6670
E: Jerome@Landau-Mediation.com
JAL@landaulaw.org
Web: LandauLaw.org & ArbitrationMediationCenters.com
Testimonials: IMIMediation.org (search "Landau")

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Smetana, Rachel

Subject:

FW: Preserve

-----Original Message-----

From: Elaine Swanson [<mailto:ebswanson@gmail.com>]

Sent: Saturday, June 08, 2013 4:43 PM

To: Lane, Jim

Subject: Preserve

Please "preserve" the preserve - we are destroying the dessert with jeeps, motor bikes, etc.

We almost never hear coyotes anymore. Thank you, Elaine Swanson

Smetana, Rachel

Subject: FW: McDowell Sonoran Land Trust

-----Original Message-----

From: Smith James [<mailto:jamesnsmith1@gmail.com>]

Sent: Sunday, June 09, 2013 2:16 PM

To: City Council

Subject: McDowell Sonoran Land Trust

Honorable Mayor, Councilwomen, and Councilmen:

I am becoming concerned about the commitment of the City of Scottsdale to the preservation of the lands acquired for the McDowell Sonoran Land Trust.

The leadership and Council actions to date have led to the successful acquisition of much of the desert and mountains defined in the Plan boundaries. High Fives all round!!

This should be a foundation for the future protection of the Land Trust.

Sales taxes have been increased by the citizens several times to fund the land purchases.

It says a great deal about the desire of the citizenry that the lands thus acquired should be preserved for our future.

You ladies and gentlemen need to be the embodiment of this philosophy. The Preserve is NOT a Park! It is land, placed in TRUST!

Preservation does not include exploitation for commercial purposes. This would include jeep tours, and other commercial uses, whatever the guise.

I understand that there are negative impacts to certain people and businesses. This is similar to eminent domain issues.

I urge you to stand firm against erosion of the Trust placed in your care, against ALL attempts to benefit commercially.

Respectfully,

Jim Smith

33127 N 72nd Way

Scottsdale, AZ 85266

jamesnsmith1@gmail.com

Smetana, Rachel

Subject: FW: Preserve Motorized Vehicles

From: Faye Hamilton [<mailto:fhamilton@erols.com>]

Sent: Sunday, June 09, 2013 1:08 PM

To: Lane, Jim

Subject: Preserve Motorized Vehicles

I'm asking that you do not allow motorized vehicles in the Preserve on 6/18. Please do not allow the Preserve Ordinance to be violated.

Thank you.

Smetana, Rachel

Subject: FW: Corporate and Family References
Attachments: Corporate Letters of Recommendation for AZ Desert Events.docx

From: AZ Desert Events [mailto:ade3326@gmail.com]
Sent: Sunday, June 09, 2013 12:34 PM
To: City Council
Subject: Corporate and Family References

Dear Mayor Lane and Council Members,

I hope you will take a moment to review the attached document.
I have included a few email quotes from some of our corporate clients and families that have joined us for a desert tour.

Many of our corporate guests have only a 3 to 4 hour window to allow their participants to enjoy a desert activity.

Without the organization and guidance from our company and guides they would never have the time or skill to get these guests out to the preserve, educate them and guarantee their safety.

Visitors who have never been to the desert are in danger when venturing out on their own and are a liability for the city.

Look at the expense of a rescue when visitors become dehydrated and disoriented out in the desert elements. We see this everyday on our hiking trails.

The safety and peace of mind that we provide our guests is an asset to the city.

Thank you
Doreen

WHEN THE PAVEMENT ENDS THE ADVENTURE BEGINS!

Arizona's Desert Events

Direct: 602.569.4889

Mobile: 602.909.9010

Fax: 602.569.4891

www.azdesertevents.com

Please visit us on Facebook



<http://www.facebook.com/pages/Arizonas-Desert-Events#!/pages/Arizonas-Desert-Events/137779656271891>

Smetana, Rachel

From: Lane, Jim
Sent: Monday, June 10, 2013 8:30 AM
To: Smetana, Rachel
Subject: FW: Tour operation in the desert.

Categories: Follow up

Carol Michaud
Executive Secretary to the Mayor
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2466

From: Farideh Mohajer [<mailto:fmohajer@hotmail.com>]
Sent: Sunday, June 09, 2013 8:01 AM
To: City Council
Subject: Tour operation in the desert.

My husband and I agree with The McDowell Sonoran Preserve Commission that the Preserve Ordinance must not be violated by anyone. These tour operators can us buggies and carts for tourists to ride on. It is more earth-friendly, considerate, and more in line with what Scottsdale stands for. Last year my husband fell ill due to Valley Fever, a dust induced fungal infection.

Regards,

Farideh Mohajer and Cyrus Tajbakhsh

9680 E Peak View Rd
Scottsdale, 85262

Smetana, Rachel

Subject:

FW: Sonoran Preserve

From: Blueskysix@aol.com [<mailto:Blueskysix@aol.com>]

Sent: Sunday, June 09, 2013 7:47 AM

To: Lane, Jim

Cc: howard.mvers@cox.net

Subject: Sonoran Preserve

As a Scottsdale resident I strongly object to any motorized vehicles in the preserve. The word "preserve" should say it all. Please do not allow this desert area to be opened to motorized vehicles of any kind. Thank you. Sue E. Borman

Smetana, Rachel

Subject: FW: Preserve and NO MOTORIZED VEHICLES

-----Original Message-----

From: ann negri [mailto:amnmd@hotmail.com]

Sent: Saturday, June 08, 2013 1:47 PM

To: Lane, Jim

Subject: Preserve and NO MOTORIZED VEHICLES

Tourism is important to Scottsdale and the Jeep companies have made easy money driving people up Pima Road and out into the Preserve, but now they need to get creative. Instead of driving into the Preserve they could park near a trailhead, such as Brown Ranch Trail or Pinnacle Peak, and WALK a short distance along a trail. If people don't want to walk, just looking out into the Preserve provides a beautiful sight, but NO motorized vehicle should be allowed in the Preserve.

Every morning i walk my dogs on the Preserve at the trail head and down to the beginning to Pima just north of Dynamite. I can tell you from first hand experience the damage that has been caused by motorized vehicles. The trails heads have been torn up by their tires, they creat a lot of dust and they run over bushes when the trails gets bumpy or tourist want them to ride off the trails. They produce ruts that have been made by riders doing "wheelies"; sections of the trail widened where vehicles went out and around puddles to avoid the water. there are also many quads that meet up in the late evening leaving trash from their drinking events along with other trashcan't even begin to estimate the pounds of trash that would have to be removed.

The Preserve is so beautiful and serene and i love the quietness of it when i am hiking and "home" to the wildlife that live there and not be scared off my the noise of the vehicles. It is definitely worth our effort to maintain the Preserve for future generations.

Please, hold firm to NO motorized vehicles in the Preserve.

Thank you.

Sent from my iPad Ann Negri.

29022 N 108 th. place

scottsdale AZ 85262

Smetana, Rachel

Subject: FW: Keep the Preserve as it should be - a preserve - not a park

From: Bobbie Howard [<mailto:bchoward123@gmail.com>]

Sent: Saturday, June 08, 2013 11:28 AM

To: City Council

Subject: Keep the Preserve as it should be - a preserve - not a park

Dear Mayor Lane and all the Members of the Council:

I am writing to urge you to protect the Preserve against the use of ATVs or Jeeps or any other motorized vehicles. This precious land needs to be maintained as a Preserve and not as a park or for the financial gain of someone using it as a form of entertainment.

I live at Troon North and will be following your decision on this matter. Thank you very much.

Bobbie Howard
9783 East Hidden Green Drive
Scottsdale, AZ 85262

Smetana, Rachel

Subject: FW: City Preserve

From: Kay Silverman [<mailto:ksilverman@webmail.azbar.org>]

Sent: Saturday, June 08, 2013 10:17 AM

To: City Council

Cc: howard.myers@sensor-tech.com; lidner.thomas@mayo.edu; lambrose123@gmail.com

Subject: City Preserve

To City of Scottsdale Council Members;

I would like to express my opposition to any motorized vehicles in the City owned Preserve. I ride horses and hike in the preserve and really appreciate the efforts the City has made to keep motorbikes and jeeps out of the preserve. Motorized vehicles tear up the desert and there was an abundance of litter and garbage from them when they were using the preserve. Horses are not compatible with motorized vehicles and this would increase accidents in the preserve. Why not allow a horse operation next to the preserve that provides trail rides or wagon rides. Try the 2 hour trail ride out at Spur Cross and you will see what a wonderful experience that is to see the desert in quiet and peace. It is bad enough that there is no noise ordinance for the motorcycles that go up and down Pima and which I can hear a mile away. Please do not give in to the jeep tour people. Thank you.

Kay S. Silverman

Attorney

602-617-4773, 29443 N. 78th St. Scottsdale, Az. 85266

Smetana, Rachel

Subject: FW: Preserve at Dynamite and 136th

-----Original Message-----

From: Bray, Dennis [<mailto:Dennis.Bray@airbus.com>]

Sent: Saturday, June 08, 2013 9:45 AM

To: Lane, Jim

Subject: Preserve at Dynamite and 136th

Hello Mr. Lane

The land at Dynamite and 136th was purchased by Scottsdale to be used as a preserve which will add to tourism. On June 18 a group of JEEP operators will ask for the preserve to be opened to Jeep tours and claim that this will add to tourism when in fact it will only add to dust solution. This was not the intended use of my tax dollars and will threaten Scottsdales plans to purchase additional land for the preserve. The jeep tours already have access to the national forest. Please vote to keep them out of the preserve.

Thank you,

Dennis Bray

Dennis Bray

Airbus Americas

Director, Cabin Procurement & Quality

714-955-3617 (C)

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Smetana, Rachel

Subject: FW: Preserve Ordinance June 18 5pm meeting

-----Original Message-----

From: sandra bond [mailto:sandybond1969@gmail.com]

Sent: Saturday, June 08, 2013 6:28 AM

To: City Council

Subject: Preserve Ordinance June 18 5pm meeting

Hello City Council Members,

I am unable to attend the meeting at 5 pm on June 18th at the Kiva (city hall) in regard to the Preserve as I am out of town for the summer.

I urge you to please not modify the Preserve Ordinance - please keep the Preserve a preserve and not allow motorized activity.

Please protect the desert we have taxed ourselves to buy so that future generations can enjoy it as we do.

Thank you,

Sandra Bond, MBA
28150 N Alma School Pkwy #103-491
Scottsdale, AZ 85263
602-751-9608

Smetana, Rachel

Subject: FW: Motorized Vehicles

-----Original Message-----

From: michael douglas [mailto:michael_douglas@hotmail.com]

Sent: Friday, June 07, 2013 6:21 PM

To: City Council

Subject: Motorized Vehicles

Please stop the vehicles!

mike

Smetana, Rachel

Subject:

FW: Granite Mountain trail

From: Philippe, Jill [<mailto:jill.philippe@us.kuoni.com>]

Sent: Friday, June 07, 2013 5:55 PM

To: City Council

Subject: Granite Mountain trail

To whom it may concern,

As a Tour Operator/Event Company we support tourism and propose Jeep Tours to our clients who bring conventions to town. Many of our guests choose this tour as a way to explore our beautiful Sonoran Desert. We understand that the Granite Mountain trail is now part of the Sonoran Desert Preserve and we'd like to ask that you consider allowing jeep tours to be permitted in the preserve. Jeep tours were instrumental in putting Scottsdale on the map for tourism!

I don't understand how our Jeep Tour vendor could be promised that you would never take their trail away, and now they're losing the ability to take our guests out on this beautiful trail.

Thank you for taking our business and the tourists we service in consideration.

Sincerely,



Jill Philippe
National Account Executive

Kuoni Destination Management Inc.
8767 East Via de Ventura, Suite 120
Scottsdale, AZ 85258

T +1 (480) 308-5475
M +1 (602) 722-4454
F +1 (480) 308-5460
Main office: (480) 308-5450
Office to Office: 173736
jill.philippe@us.kuoni.com
www.kuoni-dmusa.com

KUONI | Destination
Management



+++News+++++

Please visit us at AIBTM in Chicago, June 11-13, in booth 1859!

Kuoni Destination Management was voted as 2012's "World's Leading Destination Management Company" at the World Travel Awards on 12 Dec, 2012 -- its third consecutive year receiving the award!

Visit Kuoni's refashioned website at www.kuoni-dmusa.com!

Smetana, Rachel

Subject:

FW: Motorized Tours in the McDowell Sonoran Preserve

From: golfff@cox.net [mailto:golfff@cox.net]

Sent: Friday, June 07, 2013 7:38 PM

To: Smetana, Rachel

Subject: Re: Motorized Tours in the McDowell Sonoran Preserve

Dear Rachel,

The City told jeep tour operators to cease and desist as of June 1st. Why waste time on it? You have more valuable things to do.

Of course, a nice gesture would be to suggest that visitors experience the "rich diversity in Sonoran Desert plant and animal life" at the Botanical Garden and Phoenix Zoo—just like we residents do. Better yet, each facility has a dining facility, gift shop and restrooms. Who could ask for anything more—other than the jeep operators?

Bob Cayne
8711 E Pinnacle Peak Rd.
Scottsdale AZ 85255

On Jun 7, 2013, at 4:57 PM, Smetana, Rachel wrote:

Dear Citizens,

Mayor Lane and members of Council asked that I thank you very much for your input into the proposal to allow motorized tours in part of the McDowell Sonoran Preserve. It is difficult to acknowledge all of your e-mails individually because very many people took the time to let the Mayor and Council know their opinion on this issue, but please know your e-mail was received and will also be added to the public record attached to the agenda prior to the June 18th Council discussion and vote.

If you are interested in more information in this matter, here is the link to the staff report submitted to Council regarding this item:

<http://www.scottsdaleaz.gov/Asset48838.aspx>

If you have questions or need additional information, please do not hesitate to contact me directly.

Very best regards,
Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

Smetana, Rachel

Subject:

FW: Arizona's Desert Events and Scottsdale Sonoran Preserve Trails

From: Warren Allan [<mailto:warreneallan@gmail.com>]

Sent: Friday, June 07, 2013 3:24 PM

To: City Council

Subject: Arizona's Desert Events and Scottsdale Sonoran Preserve Trails

To Whom It May Concern,

Subject: Arizona's Desert Events and Scottsdale Sonoran Preserve Trails

This is in reference to Arizona's Desert Events request/application to use the Preserve's trails.

Prior to my retirement from the Destination Management business I used minority owned Arizona's Desert Events for six years. I found the owner, Doreen O'Connell to be a conscientious caretaker of the Trails she used in her business.

I'm sure the Council can work out a suitable use of the Trails for both the City of Scottsdale and Arizona's Desert Events.

Arizona's Desert Events is the type of small business the City of Scottsdale should be supporting in the pursuit of increasing Tourism revenue in addition to a minority owned company that has been in business for over 17 years.

Regards,

Warren E. Allan

warreneallan@gmail.com

Smetana, Rachel

Subject: FW: McDowell Sonoran Preserve

From: dalt1@q.com [mailto:dalt1@q.com]

Sent: Friday, June 07, 2013 11:27 AM

To: Lane, Jim

Subject: McDowell Sonoran Preserve

Hi Jim. For some reason the first one to you bounced back.

Dear Mayor & Council Members:

I understand that the June 18 Council Meeting will be hearing from the tour operators. They believe the council should and will allow them to continue to operate even though it would be in violation of not only the Preserve Ordinance, but of the entire management philosophy of the Preserve.

The critical action point on this issue are the citizens of Scottsdale. We the citizens have taxed ourselves for the purchase and development of the preserve. Therefore, the Council has no purview to allow for such a change in the ordinance. It is, and justly should be, the sole purview of the citizens. Therefore, following the presentation by the tour operators, the only just and fair position of the Council, if Council is favorable to the operators, is to put the change on the next ballot. This is truly the only fair decision that the Council should take considering we have paid for virtually the entire preserve.

Please do the right thing for we the payers of the preserve. Thank you.

Richard Alt
7531 E. Cactus Wren Rd.
Scottsdale, AZ 85250

Smetana, Rachel

Subject: FW: Motorized vehicles on desert

From: george@vanessgroup.com [<mailto:george@vanessgroup.com>]

Sent: Friday, June 07, 2013 11:53 AM

To: City Council

Subject: Motorized vehicles on desert

Please vote to keep the motorized vehicles out of the desert preserve east of Dynamite.

Best Regards,
George Van Ess
Resident of Troon North
10208 East Whitefeather
Scottsdale, AZ 85262



Smetana, Rachel

Subject: FW: Browns ranch

-----Original Message-----

From: Jonathan Hofer [mailto:ejon@mac.com]

Sent: Friday, June 07, 2013 12:49 PM

To: City Council

Subject: Browns ranch

Hi

My name is Jon Hofer and I live at 10755 E. Greythorn Drive, Scottsdale AZ 85262.

I heard there was a hearing coming up where tour operators are asking for permission to drive motorized vehicles in the preserve. I cannot attend the meeting, but wanted to make it known to the council that I am AGAINST any exceptions for tour companies. There is plenty of open space to the east and north, and it would be preferable for all bikers, hikers and those interested in nature to be uninterrupted by motor vehicles.

Thank you for taking our feelings into consideration.

Sincerely,

Jon & Terri Hofer

10755 E. Greythorn Drive, Scottsdale AZ 85262

Sent from my iPhone5.

Smetana, Rachel

Subject: FW: Jeeps, Dirt bikes and the Preserve. Oh My!

Importance: High

From: Robin Scotford [mailto:r1104s@cox.net]
Sent: Friday, June 07, 2013 2:02 PM
To: City Council
Subject: Jeeps, Dirt bikes and the Preserve. Oh My!
Importance: High

Hello Honorable Mayor and City Council Members,

We have just heard about the request to allow jeeps (and open the door for motorized bikes to put their "wheel" in the door too) in the McDowell Mountain Preserve area. Please **do not approve** this! The taxpayers did not vote for a Preserve only to have it open to motorized traffic!

We all need to replace the word 'tourism' with '**ecotourism**'. "Ecotourism is a form of tourism involving visiting fragile, pristine, and relatively undisturbed natural areas, intended as a low-impact and often small scale alternative to standard commercial (mass) tourism. Its purpose may be to educate the traveler, to provide funds for ecological conservation, to directly benefit the economic development and political empowerment of local communities, or to foster respect for different cultures and for human rights." (Courtesy of Wikipedia). There are many viable options to continue to promote tours of this area rather than jeep tours.

People come to see the desert and experience the Wild West (what's left of it!). Jeeps are not Western! Horses are! We love the one idea promoting equestrian options -- horseback or stagecoach inside the Preserve. Take the jeep tour to the "end of the road" and then experience what your forefathers did -- back then horses were the primary mode of transportation. Ecotourism at its finest!!!!

Just say "**NEIGH**" to jeeps, motorized bikes and any other vehicular traffic in the Preserve.

Robin and Anne Scotford

Smetana, Rachel

Subject:

FW:

From: Robert Emery [<mailto:rmemery@sbcglobal.net>]

Sent: Friday, June 07, 2013 10:40 AM

To: City Council

Subject:

My wife and I moved here a little over 6 months ago to the Rio Verde Foothills area. One of the attractions was the open land and lack of motor vehicles on this open land. We believe that the integrity of the Preserve near us must be maintained and motor vehicles should be prohibited in this area. Non-motorized bikes, horses, or hiking should be encouraged. Our taxes paid for the acquisition of these lands as a preserve, and a motorless preserve is we paid for. My wife and I urge you to vote against having Jeep or any other motorized tours in the preserve.

Sincerely,

Robert and Patsy Emery

Smetana, Rachel

Subject: FW: desert jeep tours

From: Rich Dodge [<mailto:dodge.rich@gmail.com>]

Sent: Friday, June 07, 2013 10:55 AM

To: City Council

Subject: desert jeep tours

Please add my name to the ever growing list of residents opposed to allowing motorized vehicles, including atv's and motorcycles, in our pristine desert.

Thank you.

Richard Dodge

Smetana, Rachel

Subject: FW: Please, NO motorized vehicles in our previous preserve

From: Klapp, Suzanne
Sent: Friday, June 07, 2013 10:25 AM
To: Smetana, Rachel
Subject: Fwd: Please, NO motorized vehicles in our previous preserve

Sent from my iPhone

Begin forwarded message:

From: Jackie <JackieGDH@aol.com>
Date: June 6, 2013, 8:04:35 PM MST
To: "sklapp@scottsdaleaz.gov" <sklapp@scottsdaleaz.gov>
Subject: Please, NO motorized vehicles in our previous preserve

Our Preserve should remain just that. A preserve. "an area restricted for the protection and preservation of natural resources (as animals or plants)". Not an area for money making Jeep Tour operators which would open the gates for dirt bike riders again.

I live north of Pima on Dynamite and I am surrounded by natural open space. It's beautiful. It's why I bought here. Unfortunately this beautiful space is regularly ravaged by inconsiderate, uncaring, law breaking dirt bike and even jeep drivers right beside our home. They tear through our precious desert with no regard to fauna or wildlife let alone those living nearby.

I also often see dirt bike riders take to the preserve at Dynamite and Pima and I was heartened to see that the area is now being fenced and gates are installed. Thanks for that. I truly appreciate it. But I am asking that you NOT allow Jeep companies in the preserve. How about stage coach rides? That's the real old West. I appreciate your consideration.

Jackie Hoff
Scottsdale 85262
480 502-9891

Sent from my iPad

Smetana, Rachel

Subject:

FW: Sonoran Preserve

Begin forwarded message:

From: <rvarend@sasktel.net>
Date: June 7, 2013, 8:37:42 AM MST
To: <sklapp@scottsdaleaz.gov>
Subject: Sonoran Preserve
Reply-To: <rvarend@sasktel.net>

Hello Councilwoman Klapp

this email is to alert you to my concern in respect to the Sonoran Preserve. I live within half a mile of the Preserve and the Tonto National Forest, and I was very pleased when the City of Scottsdale acquired the land around Granite Mountain, which is pristine in many areas, and in other areas it has been torn apart by dirt bike tracks and atv's driving over vulnerable desert plants and breaking branches off trees that have taken hundreds of years to grow.

I know that the people that do the jeep tours bring a lot of tourists out to see this wonderful area, and that is good. But not to the expense of the desert being destroyed to give them a glimpse of nature that they could just as well get from going into the Tonto area on the east side of 144th St that already has designated ATV trails that are maintained by the Ntl Parks.

There is so little area left for hikers and horseback riders, please let this be one of them.

Sincerely

Valerie Arend
33623 N 140th Pl
Scottsdale AZ 85262

----- End forwarded message -----

Smetana, Rachel

Subject:

FW: Preserve Ordinance Regarding Motorized Vehicle Usage

From: Michael Straty [<mailto:mtstraty@hotmail.com>]

Sent: Friday, June 07, 2013 8:49 AM

To: City Council

Subject: Preserve Ordinance Regarding Motorized Vehicle Usage

Dear Council Personnel:

It is my understanding that the City Council is currently considering revising the Preserve Ordinance to allow certain motorized vehicles to operate on Preserve land. I would like to express my opposition to any revision of the ordinance which would allow motorized vehicles (i.e., jeep tours) to operate in the Preserve.

The Preserve land is a valuable natural resource which must be protected. I do not think any class or group should be given special status which would allow them to desecrate our precious natural resources while adding to air pollution. One of the reasons we enjoy valuable tourism is because of the way we preserve our natural resources and air quality.

Please vote to protect the Preserve from further damage and destruction which results from motorized vehicle usage.

Michael Straty
9367 E. Hidden Green Drive
Scottsdale, AZ 85262

Smetana, Rachel

From: Lane, Jim
Sent: Friday, June 07, 2013 9:20 AM
To: Smetana, Rachel
Subject: FW: Motorized Vehicles in the McDowell Sonoran Preserve

Categories: Follow up

Carol Michaud
Executive Secretary to the Mayor
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2466

-----Original Message-----

From: emgartner@cox.net [<mailto:emgartner@cox.net>]
Sent: Friday, June 07, 2013 8:59 AM
To: City Council
Subject: Motorized Vehicles in the McDowell Sonoran Preserve

Gentlepeople,

We live on the edge of the Preserve near Alma School and Dynamite. I am delighted that motorized vehicles are now banned in the Preserve. Although I have sympathy for the jeep tour operators, preservation of the desert outweighs all considerations. The City of Scottsdale has spent enormous amounts on the Preserve, it is a highlight of our community and I believe that we should apply the ban to commercial ventures to avoid the damage to preserve lands that has occurred in the past.

Thank you for considering our view.

Harriett and Elliott Gartner
29094 N. 108th St.
Scottsdale, 85262

Smetana, Rachel

Subject:

FW: Jeeps in the preserve

-----Original Message-----

From: Jonieta Stone [mailto:thestones3@cox.net]

Sent: Friday, June 07, 2013 9:00 AM

To: City Council

Subject: Jeeps in the preserve

Tourism is important to Scottsdale and the Jeep companies have made easy money driving people up Pima Road and out into the Preserve, but now they need to get creative. Instead of driving into the Preserve they could park near a trailhead, such as Brown Ranch Trail or Pinnacle Peak, and WALK a short distance along a trail. If people don't want to walk, just looking out into the Preserve provides a beautiful sight, but NO motorized vehicle should be allowed in the Preserve.

Three mornings a week my husband and I walk the Preserve between Pima and 93rd Street, just north of Dynamite. I can tell you from first hand experience the damage that has been caused by motorized vehicles. We see bushes that have been run into and knocked down; ruts that have been made by riders doing "wheelies"; sections of the trail widened where vehicles went out and around puddles to avoid the water, and on June 6th someone on a quad ran over a steel post to exit the Preserve on N. 93rd Street. (I can't even begin to estimate the pounds of trash we have hauled out. Lots of plastic bottles, beer cans, glass bottles, shell casings, bike parts, paper, cardboard, and miscellaneous junk.)

If the jeep companies can't figure out how to show tourists the desert without driving vehicles into the Preserve, some other entrepreneur will. The Preserve is so beautiful and serene and "home" to the wildlife that live there. It is definitely worth our effort to maintain the Preserve for future generations.

Please, hold firm to NO motorized vehicles in the Preserve. Thank you.

Sincerely,

Jonieta Stone
28897 N. 94th Place
Scottsdale, 85262
480-563-3706

Smetana, Rachel

From: Lane, Jim
Sent: Friday, June 07, 2013 8:48 AM
To: Smetana, Rachel
Subject: FW: Motorized Vehicles in the Desert Ordinance

Categories: Follow up

Carol Michaud
Executive Secretary to the Mayor
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2466

From: Mary Roy [<mailto:royfam27@gmail.com>]
Sent: Friday, June 07, 2013 8:35 AM
To: City Council
Subject: Motorized Vehicles in the Desert Ordinance

I would like to express concern about tour jeep operators receiving an exemption to the new rules preventing the use of motorized vehicles in the desert. I support the McDowell Sonoran Preserve Commission hearings that decided this ordinance must not be violated by anyone including the tour operators. We hike and bike in the Preserve and do not appreciate the noise, dust or disruption of jeeps during our time in nature. Please continue to support this important ordinance.

Mary and Michel Roy
28990 N White Feather Lane, Unit 184
Scottsdale, AZ 85262

Smetana, Rachel

Subject: FW: jeep tours

From: Denise Alvarez [<mailto:dewalvarez@yahoo.com>]

Sent: Friday, June 07, 2013 9:01 AM

To: City Council

Subject: jeep tours

My husband and i live at 10947 e sutherland way scottsdale az. I am against the idea that the Jeep companies can over ride the McDowell Preserve

recomendation to not allow the jeep tours to continue. Please vote no on the jeep companies request to continue tours of the desert. This area in North Scottsdale is too precious.

Rick Denise Alvarez

Smetana, Rachel

Subject: FW: Motorized Vehicles in the Desert Ordinance

From: Mary Roy [<mailto:royfam27@gmail.com>]
Sent: Friday, June 07, 2013 8:35 AM
To: City Council
Subject: Motorized Vehicles in the Desert Ordinance

I would like to express concern about tour jeep operators receiving an exemption to the new rules preventing the use of motorized vehicles in the desert. I support the McDowell Sonoran Preserve Commission hearings that decided this ordinance must not be violated by anyone including the tour operators. We hike and bike in the Preserve and do not appreciate the noise, dust or disruption of jeeps during our time in nature. Please continue to support this important ordinance.

Mary and Michel Roy
28990 N White Feather Lane, Unit 184
Scottsdale, AZ 85262

Smetana, Rachel

Subject:

FW: Motorized Vehicles in the Desert

-----Original Message-----

From: Nancy Perry [<mailto:neperry@sbcglobal.net>]

Sent: Friday, June 07, 2013 8:25 AM

To: City Council

Subject: Motorized Vehicles in the Desert

Regarding senate Bill 1552, the Preserve Ordinance must not be violated by anyone, including tour operators.

Nancy Perry

Scottsdale resident

Smetana, Rachel

Subject:

FW: Jeep Tours

-----Original Message-----

From: Robert Calabrese [<mailto:bobcalabrese@cox.net>]

Sent: Friday, June 07, 2013 8:25 AM

To: City Council

Subject: Jeep Tours

I am requesting that you support the decision of The McDowell Sonoran Preserve Commission and not over ride their decision by allowing Jeep tours in the Preserve.

Robert and Janice Calabrese

Smetana, Rachel

Subject: FW: Preserve Ordinance Regarding Motorized Vehicle Usage

From: Janis Straty [<mailto:jstraty@msn.com>]

Sent: Friday, June 07, 2013 8:31 AM

To: City Council

Subject: Preserve Ordinance Regarding Motorized Vehicle Usage

Dear Council Personnel:

It is my understanding that the City Council is currently considering revising the Preserve Ordinance to allow certain motorized vehicles to operate on Preserve land. I would like to express my opposition to any revision of the ordinance which would allow motorized vehicles (i.e., jeep tours) to operate in the Preserve.

The Preserve land is a valuable natural resource which must be protected. Please vote to protect the Preserve from further damage and destruction which results from motorized vehicle usage.

Janis Straty
9367 E. Hidden Green Drive
Scottsdale, AZ 85262

Smetana, Rachel

Subject:

FW: Sonoran Preserve

From: rvarend@sasktel.net [mailto:rvarend@sasktel.net]

Sent: Friday, June 07, 2013 8:33 AM

To: Lane, Jim

Subject: Sonoran Preserve

Hello Mayor Lane,

this email is to alert you to my concern in respect to the Sonoran Preserve. I live within half a mile of the Preserve and the Tonto National Forest, and I was very pleased when the City of Scottsdale aquired the land around Granite Mountain, which is pristine in many areas, and in other areas it has been torn apart by dirt bike tracks and atv's driving over vulnerable desert plants and breaking branches off trees that have taken hundreds of years to grow.

I know that the people that do the jeep tours bring a lot of tourists out to see this wonderful area, and that is good. But not to the expense of the desert being destroyed to give them a glimpse of nature that they could just as well get from going into the Tonto area on the east side of 144th St that already has designated ATV trails that are maintained by the Ntl Parks.

There is so little area left for hikers and horseback riders, please let this be one of them.

Sincerely

Valerie Arend
33623 N 140th Pl
Scottsdale AZ 85262

Smetana, Rachel

Subject: FW: Scottsdale Sonoran Preserve.

-----Original Message-----

From: Tomlin Bob [mailto:rtomlin@Q.com]

Sent: Thursday, June 06, 2013 5:20 PM

To: Lane, Jim; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Korte, Virginia; Robbins, Dennis E; Klapp, Suzanne

Subject: Scottsdale Sonoran Preserve.

FOR THE PUBLIC RECORD

Dear Scottsdale City Mayor and Councilors,

As our representatives you have wisely spent large amounts of our Cities tax revenue in securing the Scottsdale Sonoran Preserve as a future asset.

When you meet this month to consider applications to allow motorized vehicle use on this land please remember, first and foremost, the word PRESERVE.

Allowing any use of motor vehicles, of any classification, to desecrate the PRESERVE would be unconscionable.

The PRESERVE is not an asset to be exploited by Tour companies or ripped apart by two or four wheel vehicles of any type. It is to be PRESERVED.

Please continue the good stewardship of this precious asset for the present and future use of all of our residents and visitors that respect the desert landscape and environment.

Thank you for your consideration.

Respectfully,

Robert J. Tomlin
Las Piedras
7884 East Alta Sierra Circle
Scottsdale, AZ, 85266-2241
480-419 6034

Smetana, Rachel

Subject: FW: [FWD: Sonoran Preserve]

From: brd@azdesertcowboy.com [mailto:brd@azdesertcowboy.com]

Sent: Thursday, June 06, 2013 5:31 PM

To: Lane, Jim

Subject: [FWD: Sonoran Preserve]

Dear Honorable Major,

As a Rio Verde Horseman Association member and resident of Rio Verde, I would appreciate on behalf of maintaining the Sonora Preserve as a motorized vehicle free environment. The motorized groups can always use carriages or stage coaches as our forefathers to conduct tourist tours. As a matter of fact it would certainly be enjoyed by tourist from far off places to get the authentic spirit of the west on a horse drawn carriage or stage coach.. There are certainly many other passage ways that motorized vehicles can travel to get the sight vistas to accommodate their tourist. Thank you for your consideration on this matter.

Happy Trails,

The AZ Desert Cowboy

Smetana, Rachel

Subject: FW: I oppose breaking the Preserve Covenants...

-----Original Message-----

From: Linda Tucker [<mailto:tuckita@icloud.com>]

Sent: Thursday, June 06, 2013 7:05 PM

To: City Council

Subject: I oppose breaking the Preserve Covenants...

No motorized vehicles should be allowed in the preserve. Wildlife and native plants are at risk if motorized vehicles are allow to traverse the desert floor.

Linda Tucker
10596 E Yearling Drive
Scottsdale, AZ 85255

Smetana, Rachel

Subject: FW: Please, NO motorized vehicles in our precious preserve

From: Jackie [mailto:JackieGDH@aol.com]

Sent: Thursday, June 06, 2013 8:02 PM

To: Lane, Jim

Subject: Please, NO motorized vehicles in our precious preserve

Our Preserve should remain just that. A preserve. "an area restricted for the protection and preservation of natural resources (as animals or plants)". Not an area for money making Jeep Tour operators which would open the gates for dirt bike riders again.

I live north of Pima on Dynamite and I am surrounded by natural open space. It's beautiful. It's why I bought here. Unfortunately this beautiful space is regularly ravaged by inconsiderate, uncaring, law breaking dirt bike and even jeep drivers right beside our home. They tear through our precious desert with no regard to fauna or wildlife let alone those living nearby.

I also often see dirt bike riders take to the preserve at Dynamite and Pima and I was heartened to see that the area is now being fenced and gates are installed. Thanks for that. I truly appreciate it. But I am asking that you NOT allow Jeep companies in the preserve. How about stage coach rides? That's the real old West. I appreciate your consideration.

Jackie Hoff
Scottsdale 85262
480 502-9891

Sent from my iPad

Smetana, Rachel

Subject:

FW: City owned preserve

-----Original Message-----

From: Robbye [mailto:robbyefd@earthlink.net]

Sent: Thursday, June 06, 2013 10:06 PM

To: City Council

Subject: City owned preserve

No....should be the councils only consideration and vote when meeting on June 18th In regards to continuing to allow any motorized vehicles in the city own preserve off Dynamite Rd in North Scottsdale.

There are many non-threting ways to enjoy this preserve. The name preserve....says it all as. Residents of this area and tourist who appreciate nature and the delicate balance in-order to preserve such an Arizona treasure understand.

Please vote no.

Thank you

R. McFerrin

Sent from my

Smetana, Rachel

Subject: FW: I oppose breaking the Preserve Covenants...

-----Original Message-----

From: golfff@cox.net [mailto:golfff@cox.net]

Sent: Thursday, June 06, 2013 10:28 PM

To: City Council

Subject: I oppose breaking the Preserve Covenants...

It is your elected job to preserve and protect our beautiful desert. Stop motorized vehicles from entering the preserve. Immediately!

Wildlife and native plants are at risk. For heaven's sakes, don't turn it into a thoroughfare.

Robert Cayne
8711 E Pinnacle Peak Rd. #255
Scottsdale AZ 85255

Smetana, Rachel

Subject:

FW: Jeep tours in the preserve

From: Alex Dorst [<mailto:ad@crity.com>]

Sent: Friday, June 07, 2013 4:18 AM

Cc: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Robbins, Dennis E

Subject: Jeep tours in the preserve

Mayor W.J Lane and council members.: On June 18 at the City Council meeting a proposal to allow Jeep Tours to continue in the McDowell Sonoran Preserve will be discussed and possibly voted on. We are very much against this proposal. The Preserve Ordinance specifically states that motorized vehicles are prohibited. To change that ordinance and allow a select group of private business operators to run their business in the preserve is a direct violation of the charter that was made between the residents of Scottsdale and the City Council when the concept of the Preserve was originally put forth to the residents. Through their taxes Scottsdale residents paid the multi millions of dollars needed to fund the acquisition and are still paying the cost of maintaining this area. We did not do that so that a few private businesses can have a monopoly on a very special area. Once you allow Jeep Tours then how will you stop other uses. Private helicopter tours into the are complete with landing pads? Private quad and dirt bike rentals? If Jeep tour operators are allowed to run motorized vehicles for profit in the Preserve how can you deny the rest of the residents access with their motorized vehicles. The concept of the preserve was simple "Preserve a portion of the Sonoran Desert". The Preserve was bought and paid for by and belongs to the residents of Scottsdale. You cannot change the Preserve Ordinance without the approval of those who own it. To do so would be in violation of your charter to protect the interests of the Residents of Scottsdale.

Alex W. Dorst

11239 E. Oberlin Way Scottsdale Az 85262

480-216-9111

alex@alexdorst.com

www.alexdorst.com

Smetana, Rachel

Subject: FW: Don't change the Covenents

-----Original Message-----

From: Sara Moher [<mailto:smoher@me.com>]

Sent: Friday, June 07, 2013 6:15 AM

To: City Council

Subject: Don't change the Covenents

I oppose changing the Covenents to allow motorized vehicles in the desert. It would compromise the health of our beautiful Sonoran desert!

Sara Moher
9701 E Happy Valley Rd #17
Scottsdale AZ. 85255

Sent from my iPad

Smetana, Rachel

Subject:

FW: Sonoran Preserve Commercial Motorized Guided Tours

From: Clint Frederick [<mailto:clintfrederick@msn.com>]

Sent: Friday, June 07, 2013 6:58 AM

To: City Council

Subject: Sonoran Preserve Commercial Motorized Guided Tours

To the Scottsdale City Council:

June 7, 2013

RE: 29. Scottsdale McDowell Sonoran Preserve Commercial Motorized Guided Tours

I oppose the use of any motorized vehicles in the Sonoran Preserve. My concern rests with the following:

- Detrition of the Sonoran Desert
- Detrition of air quality, particularly from dust and particles
- Destruction of wildlife and plant habitat
- Vehicles and equestrian use is not compatible.

I urge the City Council to enforce Chapter 21 of the Scottsdale Revised Code and maintain the purpose of the acquisition i.e. "... To establish in perpetuity a preserve of Sonoran desert and mountains to maintain scenic views, as a habitat for wildlife and desert plants; to protect archaeological and historical resources and sites, while providing 'appropriate' public access for educational purposes; and to provide passive outdoor recreational opportunities for residents and visitors."

I interpret 'appropriate' to not include transportation that will deteriorate our Sonoran desert as it would destroy the very purpose for which it was created.

George C. Frederick
7807 E Oberlin Way
Scottsdale, AZ 85266

Smetana, Rachel

Subject:

FW: Scottsdale Preserve

From: Dennis Wozniak [<mailto:da.woz@hotmail.com>]

Sent: Thursday, June 06, 2013 4:22 PM

To: City Council

Cc: Rodbell, Alan - 855; Miller, Claire; Mo

Subject: Scottsdale Preserve

Dear Council Members:

It is my understanding that the question of allowing Jeep tours to use the Preserve will be coming up at the Council meeting on 6/18. As a Steward of the Preserve it would be most disturbing to allow this to happen. The purchase of this land was approved by the voters with the expressed understanding that no motorized vehicles be allowed in the Preserve with the exception of emergency vehicles. It is with this understanding that the people placed this land trust in your hands and now there is the movement to change that which the voters wanted.

By granting an exception for the Jeep tours you will be falling prey to the old Arabian proverb of the camel and his master. In that proverb the camel begs the master to allow him to put his head in the tent because it is a cold night. After the master agrees to this the camel then asks to bring his neck in, then his body, then his tail. The ultimate result is that the camel is now in the tent and there is no room for the master to sleep.

How is it you can allow one form of motorized vehicle and not allow others, that becomes discrimination, that results in law suits and additional expense to the tax payers.

Please I urge you not to change the Preserve rules for the sake of commercialism since the beauty of the Preserve will be compromised. The Jeep tours can easily go farther North and enter the Tonto National Forest for their tours without destroying the Preserve.

Thank you for your considerations.

Respectfully,

Dennis A. Wozniak, MBA, CPP

Scottsdale, AZ 85262

da.woz@hotmail.com

Smetana, Rachel

Subject: FW: Regarding the Preserve ordinance

From: Marty Bowers [<mailto:mbowersm@gmail.com>]

Sent: Thursday, June 06, 2013 2:49 PM

To: City Council

Subject: Regarding the Preserve ordinance

Dear Members of the Scottsdale City Council,

I am writing to voice my concern over the integrity and preservation of the Sonoran Preserve North of Dynamite and going into the Tonto National Forest.

We support the ordinance prohibiting motorized vehicles of any sort in this area. It is important to maintain this land in it's natural setting and not let motorized vehicles upset this wonderful balance of nature, man and animals.

We ride horses in this area and take children on horseback in this area, and feel that motorized vehicles are a threat to riders as well as destruction of the land. There are many other areas that support motorized vehicles and are more appropriate for that sort of use. We also spend lots of time hiking in this area.

I think it is perfectly appropriate to prohibit motorized vehicles in this area and utilize other forms of recreation to create visitor venues or revenue for the city. There is a huge cost to allowing motorized vehicles in this area, not only to the land, but the safety of those of us that use this land on horseback or for hiking.

Please do not let motorized vehicles into this area or consider for even a minute, changing the ordinance. We must protect our beautiful environment and the safety provided by this ordinance to our neighbors and the public making use of this land.

Please protect our desert and the Preserve that we taxed ourselves to buy so it would be there for future generations to enjoy as we have.

I appreciate your support and consideration of this important subject.

--

Marty Bowers, RN/ALM

RN - S.O.S.

Nursing Services of Scottsdale

480-577-6822

"No one cares how much you know until they know how much you care."

"The difference between illness and wellness is....I and We...Let's put the WE back into wellness and healthcare!"

"RN - S.O.S. sharing the Wellth".

Smetana, Rachel

Subject:

FW: AZ Desert Events

From: AZ Desert Events [<mailto:ade3326@gmail.com>]

Sent: Thursday, June 06, 2013 12:24 PM

To: City Council

Cc: Cynthia Kotfila

Subject: AZ Desert Events

Attached please find an email from Cynthia Kotfila with the Scottsdale Plaza Resort. I am forwarding it at her request and she is copied as well.

Thank you

Dear Mayor Lane and Council Members,

I have been in the destination services industry for over 15 years, working at the Arizona Biltmore and now the Scottsdale Plaza Resort.

I have used Arizona Desert Events as my exclusive jeep tour company for many reasons.

Doreen O'Connell and her team love the desert and love sharing its beauty with our tourists.

I have had the pleasure of participating in their tour and have seen firsthand their commitment to education and preservation of the Sonoran Desert.

When I send a list of excursions to my clients, their first pick is always the jeep tour.

It's my most popular tour.

I know that myself, as well as my clients and their guests, would be heartbroken if they were not able to continue learning about our fascinating history and enjoying our beautiful serene desert trails with Arizona's Desert Events.

Please, PLEASE allow them to continue operating in the Preserve and do not force them to go out of business. Which is what will happen if you take away these trails.

Tourist help pay for this Preserve and not allowing them access is completely wrong.

Sincerely,

Cynthia Kotfila

Smetana, Rachel

Subject: FW: AZ Desert Events

From: AZ Desert Events [<mailto:ade3326@gmail.com>]
Sent: Thursday, June 06, 2013 12:29 PM
To: City Council; Brad Geeck
Subject: AZ Desert Events

Below please find a letter from Brad Geeck

To Whom This Might Concern:

I have known Doreen O'Connell and Arizona Desert Events for approximately 10 years. I have worked with her in my former capacity as a Natural Resource Manager with the Arizona State Land Department. During this ten year period I found the Doreen was an exceptional steward of the land which she had leased.

We have worked together on many occasions, including a multitude of conservation/cleanup projects in the deserts of Scottsdale.

I would also like to take this opportunity to say during this period she has strived to provide the highest standard of hosting and teaching the many tourists visiting Scottsdale.

Because her organization has had a positive impact on the care of the land and was such a positive ambassador to the tourist visiting Arizona, I can't help but recommend that she and Arizona Desert Events be able to continue to operate and to be a positive example of the best of Scottsdale and Arizona ecotourism.

If you would like to discuss my highest praise for Doreen please feel free to contact me.

Sincerely,

Bradley C. Geeck

BRADLEY GEECK

1011 WEST GEORGIAN AVE.

PHOENIX, ARIZONA 85013

Smetana, Rachel

Subject: FW: Mc Dowell Sonoran Preserve

From: JC Covert [<mailto:jc2cove@cox.net>]
Sent: Thursday, June 06, 2013 2:03 PM
To: City Council
Subject: Mc Dowell Sonoran Preserve

To All City Council Members:

I would like to add my voice to those opposed to allowing any motorized vehicles in the area reserved for The Preserve. I live near Dynamite and Pima and have seen the destruction made by motorized vehicles that were previously allowed to use one of the areas before it was purchased by the preserve and the dust that results in the air.

The types of vehicles that are allowed should serve the purpose for learning about the preserve and how unique it is, without the noise and destruction of the area.

Please do not allow the jeep tours to use this area, so hikers and bikers can have a place they can enjoy the quiet and beauty of The Preserve.

Thank you, Johanna Covert

Smetana, Rachel

Subject:

FW:

-----Original Message-----

From: Karen Dischner [<mailto:kdischner@cox.net>]

Sent: Wednesday, June 05, 2013 8:59 PM

To: Lane, Jim

Subject:

Please keep the Preserve Ordinance and not allow motorized vehicles. Surely, the jeep tours can find another open area.
Thank you, Karen & Ed Dischner

Smetana, Rachel

Subject:

FW: Future of the Preserve and Jeep Tours For public record

From: MPF5863@aol.com [mailto:MPF5863@aol.com]

Sent: Thursday, June 06, 2013 9:12 AM

To: City Council

Subject: Future of the Preserve and Jeep Tours For public record

I strongly support the continuance of prohibition of any motorized activity in the Preserve.

Mary Fowler

29835 N. 78th Place

Scottsdale, AZ 85266

Smetana, Rachel

Subject: FW: jeeps allowed in preserve?

From: Gordon Wait [<mailto:gwmerr1@yahoo.com>]

Sent: Thursday, June 06, 2013 9:24 AM

To: City Council

Subject: jeeps allowed in preserve?

Hello:

As a voting block we are all upset that you would even consider allowing any type of motorized vehicle use in the Sonoran Preserve. Please vote against this request as it will only chase away all the tourists that come here for the beauty, quite and physical outdoor activity.

It would also just turn into a big dust bowl, no good to anyone, adding to pollution. Thank you for NOT changing the existing regulations.
Gordon Wait

Smetana, Rachel

Subject:

FW: Jeeps and the Preserve

From: Andrew E. Greenberg [mailto:agreenberg@chartwelllaw.com]

Sent: Thursday, June 06, 2013 7:28 AM

To: City Council

Subject: Jeeps and the Preserve

Dear City Council – I am a part-time resident of North Scottsdale – Troon North.

I cherish the history of the area and the effort on the part of many to preserve the desert and all it offers.

The City of Scottsdale has been very successful in acquiring land for the Preserve and now owns over 27,000 acres including most of the land north of Dynamite going to the Tonto National Forest.

Regrettably, this area has been scared by dirt bike activity and has also been used by some local jeep tours.

The Preserve ordinance clearly prohibits any motorized activity in the Preserve for very good reasons, not the least of which is to insure it will remain a Preserve - not a park.

These jeep tour operators want to continue to do their tours even though the land they have been operating on is now owned by the City and governed by the Preserve Ordinance.

I understand that they intend to ask the Council to allow them to continue to operate in violation of the Preserve ordinance but the only way that can happen is if the Preserve Ordinance is modified to allow this activity. The problem with this is simple, once any motorized activity is allowed in the Preserve it will be virtually impossible to prohibit other motorized activity in the future. There are already other jeep tour operators interested and there are tour operators that use dirt bikes as the vehicle to conduct the tours on. Obviously the dirt bike community is also watching this because it could be their window of opportunity to get back into this area. It is therefore imperative that the Preserve ordinance be kept intact and obeyed, by everyone. Once the gate is open to some motorized activity more will surely follow.

The McDowell Sonoran Preserve Commission had hearings on this issue and decided that the Preserve Ordinance must not be violated by anyone. Still the tour operators intend to convince you to override that decision.

While they will undoubtedly argue that jeep tours are good for tourism, the fact is that most tourists flock to Scottsdale because the Preserve offers the individual to hike, ride a bike, or ride a horse – activities that are specifically permitted.

While it may be true that the jeeps are less destructive than dirt bikes and that the operators are good stewards of the land, there are alternatives to jeep tours, that are consistent with the Preserve philosophy and that would not violate the existing Preserve Ordinance.

Options like horseback rides, carriage rides, or even stage coach rides could be easily implemented as an alternative to driving a jeep into the Preserve and would be a far better western experience for the visitors that want to experience the Preserve but aren't able to hike or ride a bike in it.

I respectfully submit that the integrity of the Preserve must be maintained and that motorized vehicles must be kept out of the Preserve.

I urge your to keep the Preserve a preserve and not turn it into a park or worse. It takes to stand in the way of alleged "economic progress."

I have been disappointed in the past with those who have failed to exercise that kind of character.

I hope you will show your commitment to the desert and maintain what makes North Scottsdale so special.

Do the right thing for the land and environment.

Thank you.

Andy Greenberg

Andrew E. Greenberg, Esquire
The Chartwell Law Offices, LLP
Park Pointe at Lower Providence
970 Rittenhouse Road, Suite 300
Eagleville, PA 19403

Direct Dial No. (610) 666-8414
Main Telephone No. (610) 666-7700
Cell No. (610) 304-2933
Fax No. (610) 666-7704
E-mail agreenberg@chartwelllaw.com
Web www.chartwelllaw.com

"A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty."
Sir Winston Churchill

The Chartwell Law Offices, LLP, with offices in:
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Smetana, Rachel

Subject: FW: Keep The Preserve A Preserve

From: Sharon Arnold [<mailto:sharonrae@hargray.com>]

Sent: Thursday, June 06, 2013 9:20 AM

To: City Council

Subject: Keep The Preserve A Preserve

TO CITY COUNCIL:

PLEASE KEEP THE PRESERVE A PRESERVE -- NO MOTORIZED VEHICLES.

ONCE MOTORIZED ACTIVITY IS ALLOWED IN ANY WAY, THE DOOR IS OPEN TO ALL.

THANK YOU.

PROPERTY OWNER
TROON NORTH

Smetana, Rachel

Subject: FW: keep the Preserve a preserve and not turn it into a park

From: shannons97 [<mailto:shannons97@cox.net>]

Sent: Thursday, June 06, 2013 8:32 AM

To: City Council; BJ & Edie second Identity

Subject: keep the Preserve a preserve and not turn it into a park

We strongly support the continuance of prohibition of any motorized activity in the Preserve.

Dr. and Mrs BJ Shannon
30068 N 77th Pl
Scottsdale

Smetana, Rachel

Subject: FW: Keep the Preserve a Preserve

From: Lawrence Wangler [<mailto:lawangler@cox.net>]

Sent: Thursday, June 06, 2013 5:22 AM

To: City Council

Subject: Keep the Preserve a Preserve

I encourage the City Council to keep the Preserve a Preserve, not a Park. Jeep tours would damage trails, create dust and open the area to other motorized vehicles because they see the Jeeps going in. Other alternatives have been proposed that are more appropriate for the Preserve and can be easily adapted by the Jeep Tour companies.

Lawrence Wangler
7687 E. Mary Sharon Drive
Scottsdale, AZ 85266-1834

Smetana, Rachel

Subject:

FW: McDowell Sonoran Preserve Ordinance

-----Original Message-----

From: Gerald O'Keefe [<mailto:gokeefe2@icloud.com>]

Sent: Wednesday, June 05, 2013 9:40 PM

To: City Council

Subject: McDowell Sonoran Preserve Ordinance

Do not override the existing McDowell Sonoran Preserve Ordinance. Do not allow ANY motorized activity. Keep the Preserve a preserve; do not allow it to become a park. Once you allow jeeps it follows that other forms of motorized vehicles will follow thus destroying not only the preserve but the tranquility of the surrounding neighborhoods.

Mary Lou O'Keefe, RN

Gerald O'Keefe, DMD

Smetana, Rachel

Subject:

FW: Mouountain Preserve

From: JunkMoyle@aol.com [mailto:JunkMoyle@aol.com]

Sent: Thursday, June 06, 2013 7:31 AM

To: City Council

Subject: Mouountain Preserve

Dear Scottsdale City Council Members:

PLEASE, PLEASE, save the integrity of our McDowell Mountain Preserve and hold fast to the current ordinance.

NO MOTORIZED VEHICLES allowed! We are eating away at our pristine Sonoran desert landscape. Try to be a good steward of this land that belongs to ALL of us.

Jeannine Moyle
Scottsdale, AZ

Smetana, Rachel

Subject: FW: No Jeep Tours In Preserve

From: John Aleo [mailto:isaleo@a.com]
Sent: Thursday, June 06, 2013 7:11 AM
To: City Council; Lane, Jim
Cc: Hamilton, Scott; Hadder, Don; Jagger, Carolyn
Subject: No Jeep Tours In Preserve

Preserve the "Preserve". There are many alternatives to "Jeep Tours". Encourage the alternatives listed below that preserve the desert and Scottsdale's western heritage. Scottsdale is not New York City with cactus. Every time the council takes the wrong step, we lean more to being New York City, LA, Chicago, etc. The natural wildlife in the preserve is scared off by motorized vehicles; not to mention the destruction of the plants.

I have ridden my horses in the subject area for decades and have personally seen the decay of the desert environment caused by motorized vehicles. Why cause more damage? On horseback, I have walked up to deer, havalina, quail, hawks, rattlesnakes, roadrunners, and most other types of desert life. For some reason, they are not afraid of a person on horseback.

Options like horseback rides, carriage rides, or even stage coach rides could be easily implemented as an alternative to driving a jeep into the Preserve and would be a far better western experience for the visitors that want to experience the Preserve but aren't able to hike or ride a bike in it. These types of uses would not violate the Preserve Ordinance which allows equestrian activity.

For those who can't or do not want to ride a horse, horse drawn carriages and stagecoaches are an excellent idea. Create routes for horse drawn carriages and stagecoaches and sell rights to those type vendors. Provide destination points and facilities for such vendors within the preserve. Then you will have a real tourist attraction. Allow Jeep Tour vendors (not buses) to deliver tourists to said destination points or suggest that they trade in their jeeps for carriages and stagecoaches.

There is no need to destroy the natural desert preserve in lieu of jeep tours. Why did we purchase the land for a preserve? Only non-vehicular traffic should be allowed within the preserve, except to get to destination point or facility.

No Jeep Tours In Preserve; Please insert Into the public record for this issue to heard at city council meeting.

John S. Aleo CRB CRS GRI
Realtor@Emeritus

Smetana, Rachel

Subject: FW: Preserve our preserve

From: Lora Aleo [<mailto:llaaleo@g.com>]

Sent: Thursday, June 06, 2013 9:33 AM

To: Lane, Jim; Korte, Virginia; Littlefield, Robert; Milhaven, Linda; Robbins, Dennis E; Phillips, Guy

Subject: Preserve our preserve

Thank you for your help.

Most of us moved to N Scottsdale because we love the natural desert and its serene qualities. I appreciate the quiet and walking on the trails without being run over by vehicles racing on them.

I have visited parks in areas where these vehicles are permitted and encourage you to do the same. You will see destruction of plant-life, trails, litter, and NOISE.

Please preserve our area and do not change it allow it to become an isore.

Lora Aleo

Smetana, Rachel

Subject:

FW: Protecting the integrity of the Preserve

From: Kandy Ricotta [mailto:salkandy@msn.com]

Sent: Thursday, June 06, 2013 6:35 AM

To: City Council

Subject: Protecting the integrity of the Preserve

To Scottsdale Mayor Jim Lane, and City Council members Korte, Klapp, Littlefield, Phillips, Milhaven and Robins;

There is an item coming before you on June 18 that could have a dramatic impact on the future of the Preserve. The city has been very successful in acquiring land for the Preserve and now owns over 27,000 acres including most of the land north of Dynamite going to the Tonto National Forest. This is an area that has been scared by dirt bike activity and has also been used by some local jeep tours. The Preserve ordinance clearly prohibits ANY motorized activity in the Preserve for very good reasons, not the least of which is to insure it will remain a Preserve not a park. These jeep tour operators want to continue to do their tours even though the land they have been operating on is now owned by the city and governed by the Preserve Ordinance. They will be asking you, the city council, to allow them to continue to operate in violation of the Preserve ordinance, but the only way that can happen is if the Preserve Ordinance is modified to allow this activity. The problem with this is simple, once any motorized activity is allowed in the Preserve it will be virtually impossible to prohibit other motorized activity in the future. There are already other jeep tour operators interested and there are tour operators that use dirt bikes as the vehicle with which to conduct these tours. Obviously the dirt bike community is also watching this because it could be their window of opportunity to get back into this area. **It is therefore imperative that the Preserve ordinance be kept intact and obeyed, by everyone. Once the gate is open to some motorized activity more will surely follow.**

The McDowell Sonoran Preserve Commission had hearings on this issue and decided that the Preserve Ordinance must not be violated by anyone, but the tour operators intend to request that you over ride that decision.

While jeep tours are good for our tourism, many tourists flock to Scottsdale because of that Preserve...for hiking, traditional biking, or riding horses, all of which are allowed activities. We agree that the jeeps are less destructive than dirt bikes and that the operators have been good stewards of the land. However, we understand that alternatives to jeep tours, that are consistent with the Preserve philosophy and that would not violate the existing Preserve Ordinance, were presented to the operators, but they want to continue to use the

Preserve as they have in the past and were not interested. Options like horseback rides, carriage rides, or even stage coach rides could be easily implemented as an alternative to driving a jeep into the Preserve and would be a far better western experience for the visitors that want to experience the Preserve but aren't able to hike or ride a bike in it. These types of uses would not violate the Preserve Ordinance which allows equestrian activity. There were outfitters that were interested in working with the jeep operators to provide that experience in the Preserve for their customers, but apparently the tour operators believe the council will allow them to continue to operate, even though it would be in violation of not only the Preserve Ordinance, but of the entire management philosophy of the Preserve.

We believe that the integrity of the Preserve must be maintained and motorized vehicles must be kept out of the Preserve; we urge you to keep the Preserve a preserve and not turn it into a park or worse. No matter what the city lawyers say, once motorized activity is allowed in any way, the door will be open to all others, and that is the unavoidable fact of the matter.

We thank you in advance for taking action to protect our desert and the Preserve that we taxed ourselves to buy so that it would be there for future generations to enjoy as we have.

Sincerely,

Dr. Salvatore and Kandace Ricotta
29860 N. 77th Place
Scottsdale, AZ 85266

Smetana, Rachel

Subject: FW: The Preserve and Jeeps

From: Betty Lou Summers [<mailto:bsummersart@cox.net>]
Sent: Thursday, June 06, 2013 9:05 AM
To: City Council
Subject: The Preserve and Jeeps

To all Council Members:

Since I have lived in the area for 42 years and since I have ridden horses and hiked in this same special area for all that time, I feel I do have some input to give to the Council members who may not have had that lengthy experience.

As anyone can see, our precious Sonoran Desert is a very fragile desert and it has been rapidly disappearing over recent years. I am delighted the Council has agreed to the Preserve which we now have, however, if dirt bikes and motorized vehicles such as jeeps are permitted on this land, it will become a rutted, impassable Preserve. There are now parts which have such deep ditches on the trails (due to motorized vehicles used without regard to terrain after rain) which have made it impossible to hike on the trail, except by putting one foot in front of the other. Thus one has to start a new trail—and on and on that scenario goes. Because of these deep ditches, one cannot ride horses on the original trail either and of course, any jeep would have to start a NEW TRAIL. You can see where that would render the Preserve a network of dirt trails and the Sonoran Desert would be a thing of the past.

I am sympathetic to the jeep operators, but their very presence would destroy the scenic beauty they are trying to show tourists.

Please, please keep the Preserve a place for people to walk, or ride horses, but NO MOTORIZED vehicles.

Thank you.

Betty Lou Summers
10750 E. Candlewood Dr.
Scottsdale, AZ. 85255
bsummersart@cox.net

Smetana, Rachel

Subject: FW: The Preserve Ordinance

From: H&G Lustig [mailto:ghl42@cox.net]

Sent: Thursday, June 06, 2013 4:12 AM

To: City Council

Subject: The Preserve Ordinance

Dear City Council,

We are against any changes to the Preserve Ordinance that will allow motorized vehicles on Preserve land. The integrity of the Preserve must be maintained and motorized vehicles must be kept out. We frequently ride our bicycles in the Preserve and see the damage that motorized vehicles can do to the pristine desert. We are also concerned about the safety of hikers, bicycle enthusiasts, and horseback riders.

Thank you for voting against any changes.

Respectfully,

Helene & Gil Lustig
7466 E. Quien Sabe Way
Scottsdale, AZ 85266

Smetana, Rachel

Subject:

FW: preserve

Sent from my iPhone

Begin forwarded message:

From: Karen Dischner <kdischner@cox.net>

Date: June 5, 2013, 9:01:20 PM MST

To: <sklapp@scottsdaleaz.gov>

Subject: preserve

Please keep the jeep tours from over-riding the Preserve Ordinance.
Thank you, Karen Dischner

Commercial Motorized Guided Tours

June 18th City Council

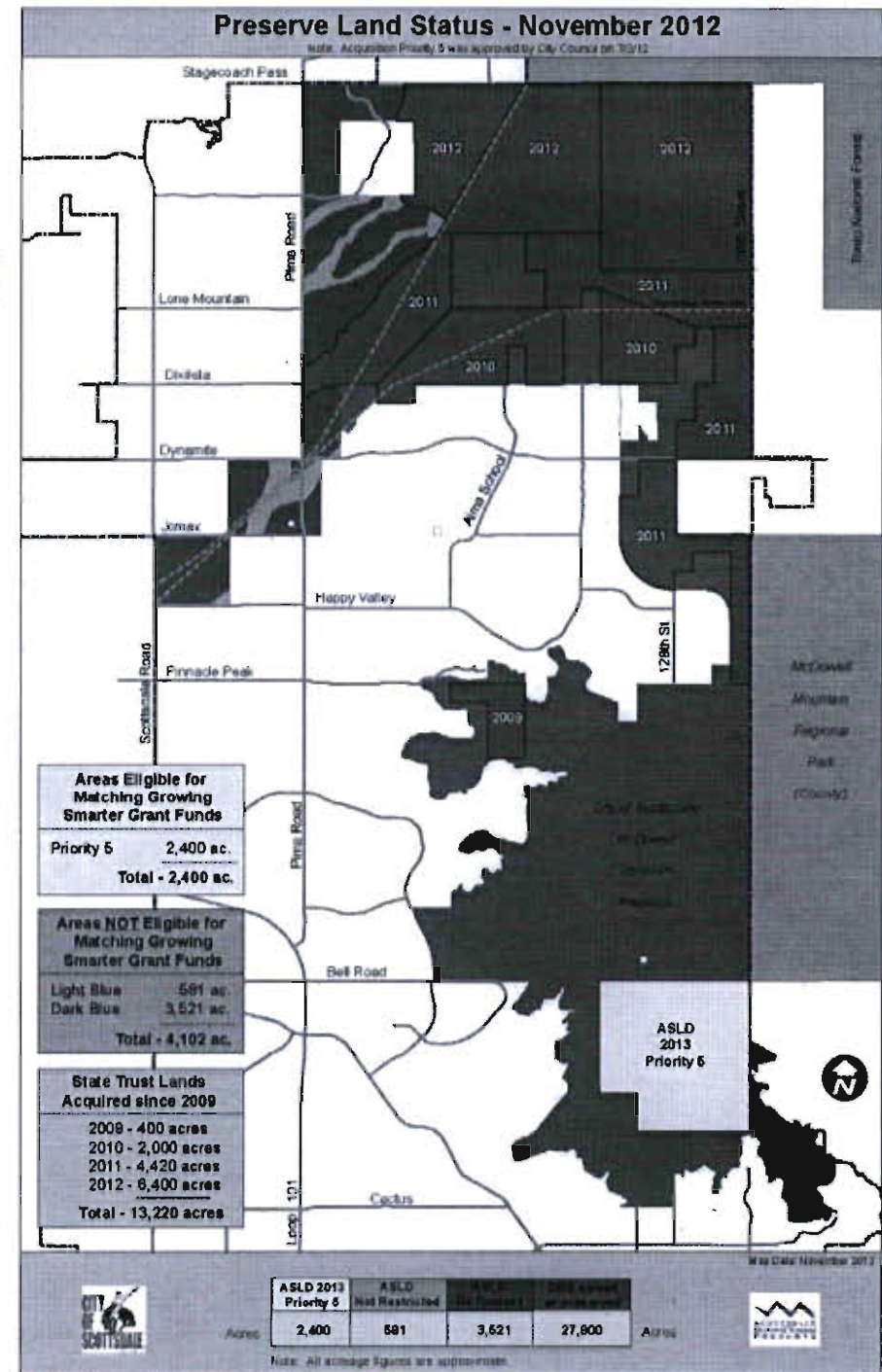
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– *Implement by September 2013?*

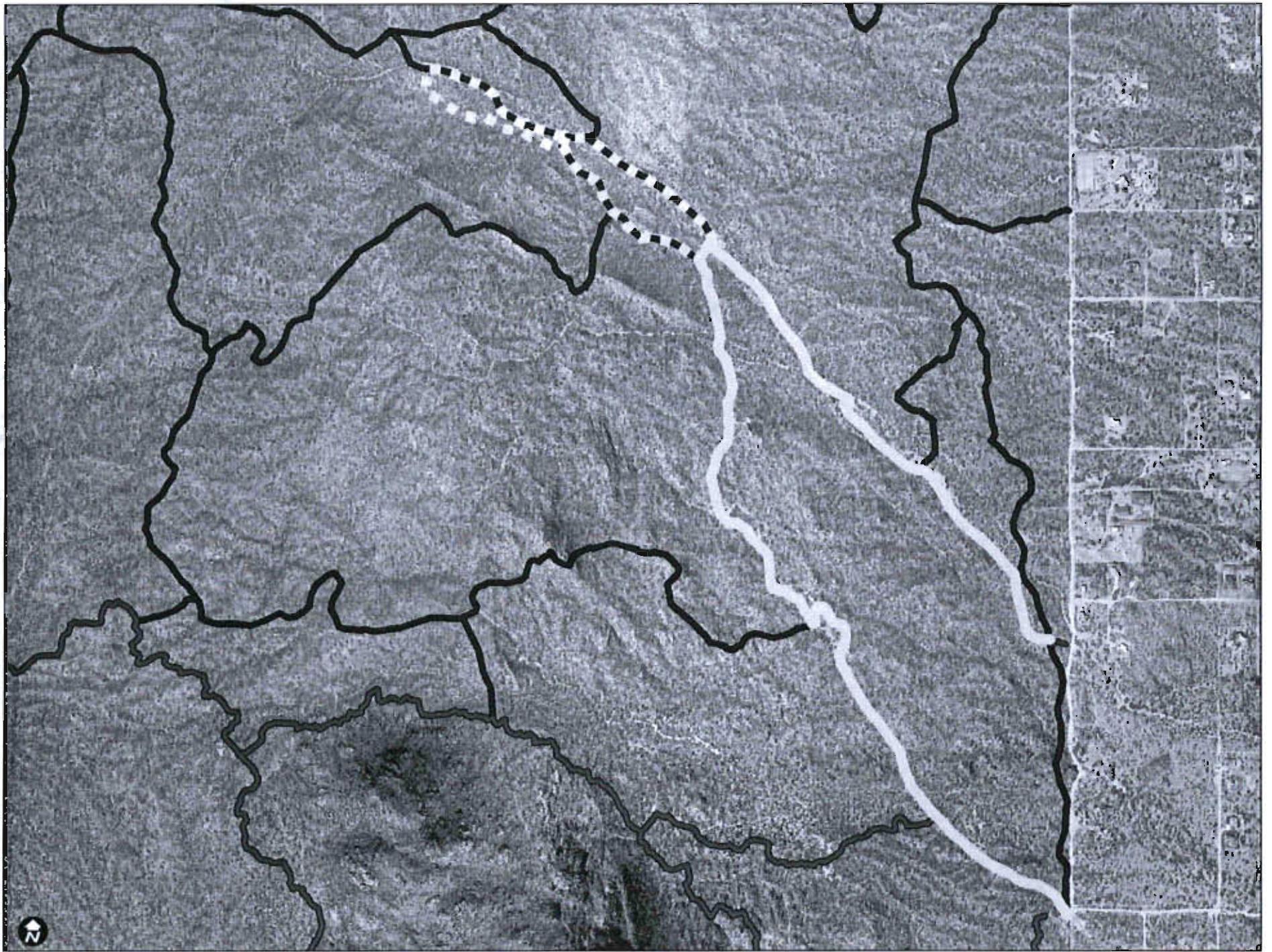
Commercial Motorized Guided Tours

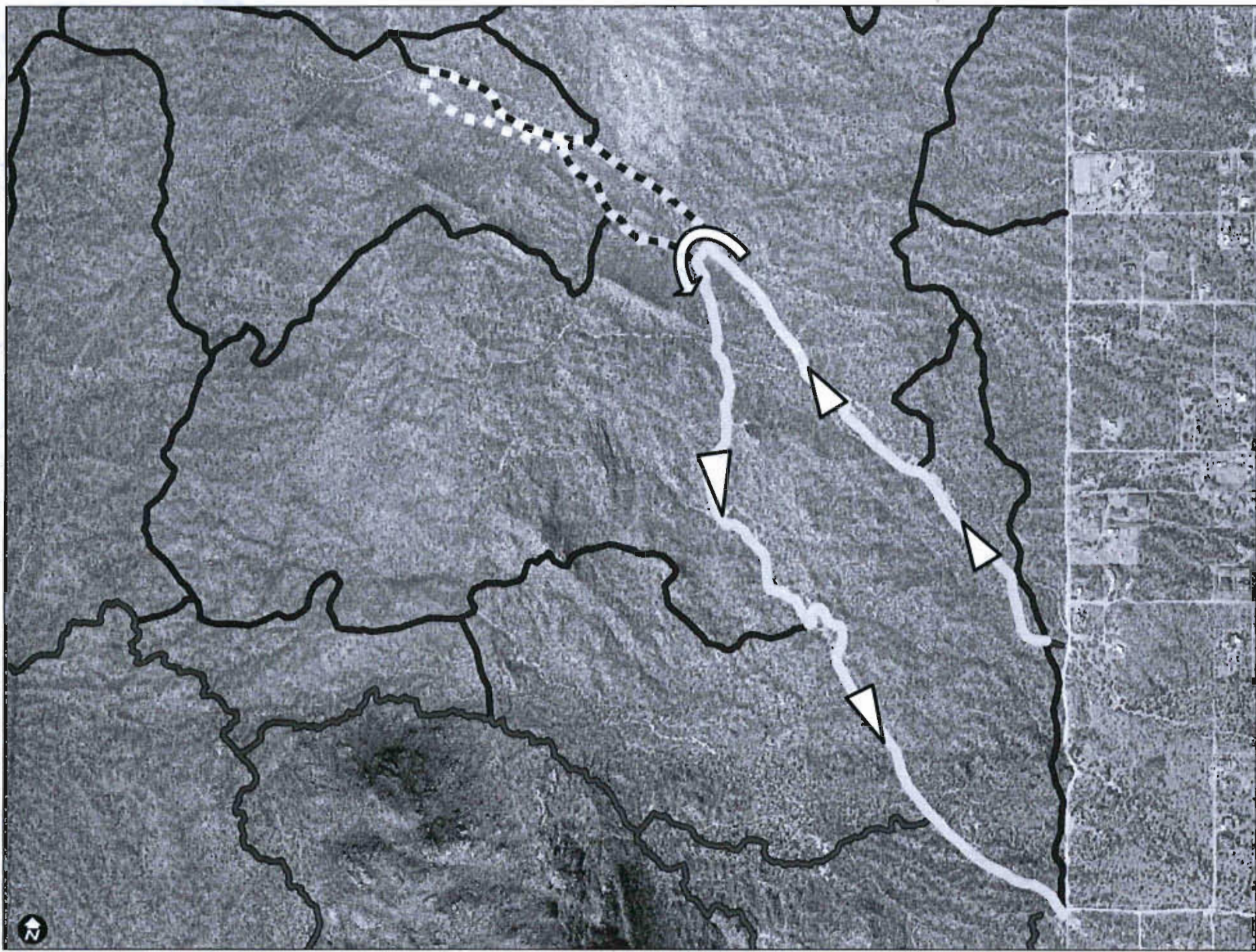
- 3 Jeep Tour Operators were allowed by ASLD
 - On lands north of Dynamite and east of 118th Street
- COS had been pursuing a SLUP on these lands
 - COS would have then managed the Operators for ASLD
 - Acquisition of land occurred prior to SLUP approval
- With COS acquiring these Preserve lands
 - Preserve ordinance now controls (Not ASLD SLUP)
 - Ordinance prohibits Motorized vehicles
 - Operators have been informed tour access ended June 1st, 2013

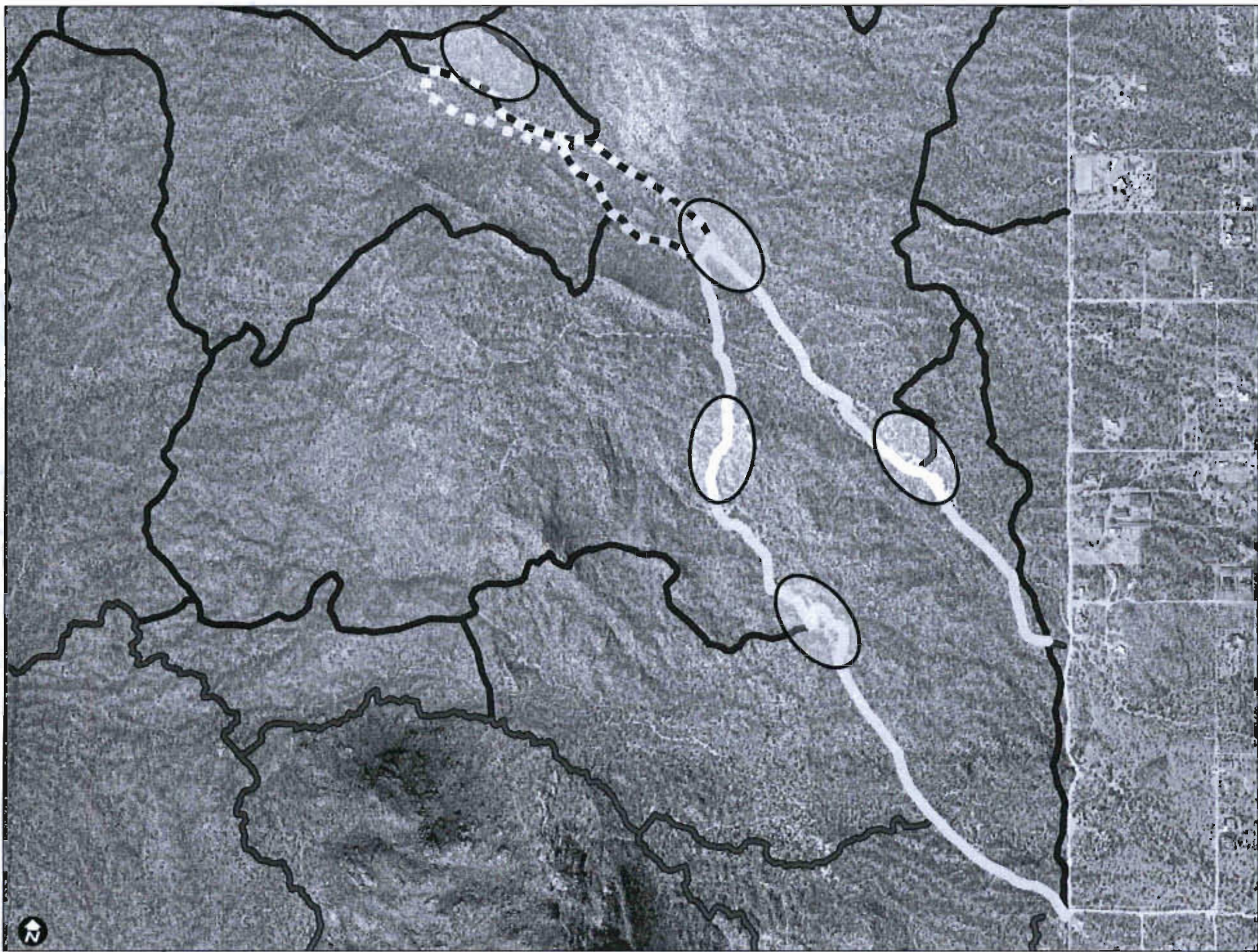
Land Acquisition

- Dark Green (~27,800 ac.)
 - ▣ Protected through:
 - City Ownership
 - Zoning or Easements
- Recent Acquisitions
 - ▣ 2009 – 400 ac.
 - ▣ 2010 – 2,000 ac.
 - ▣ 2011 – 4,400 ac.
 - ▣ 2012 – 6,400 ac.
- Future Acquisitions
 - ▣ 2013 – 2,400 ac.

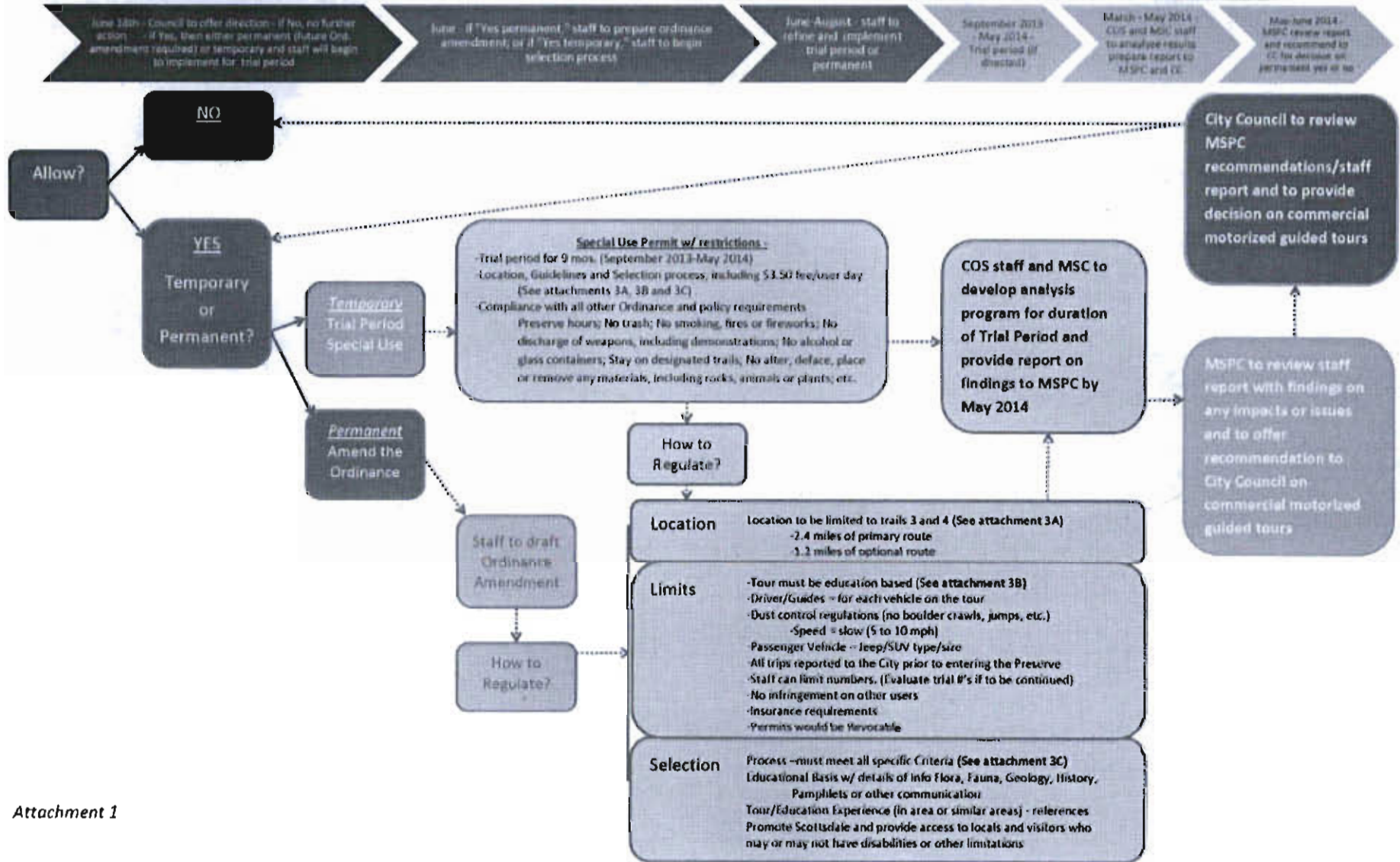








PROCESS OUTLINE AND OPTIONS FOR CONSIDERATION OF COMMERCIAL MOTORIZED GUIDED TOURS IN THE MCDOWELL SONORAN PRESERVE



Commercial Motorized Guided Tours

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Commercial Motorized Guided Tours

June 18th City Council

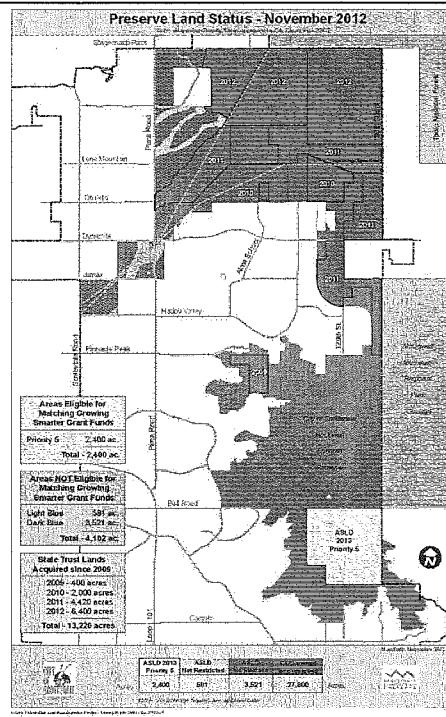
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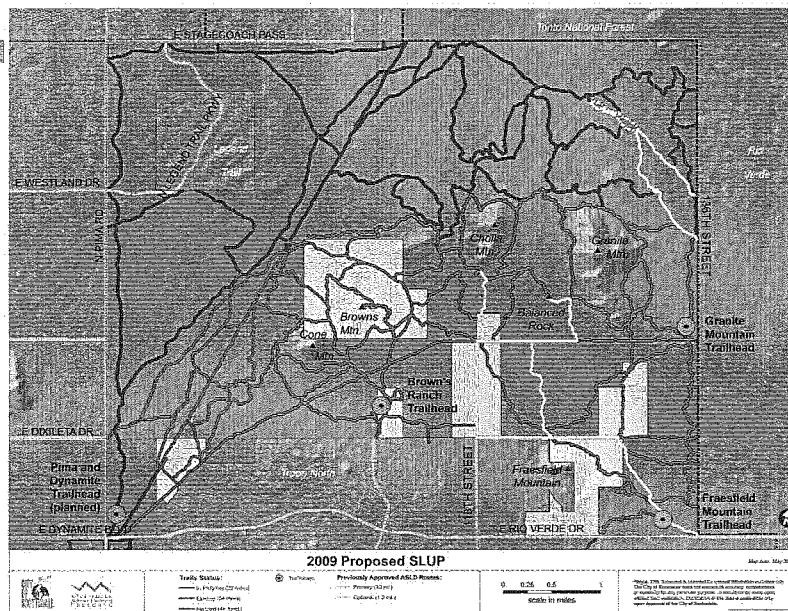
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Land Acquisition

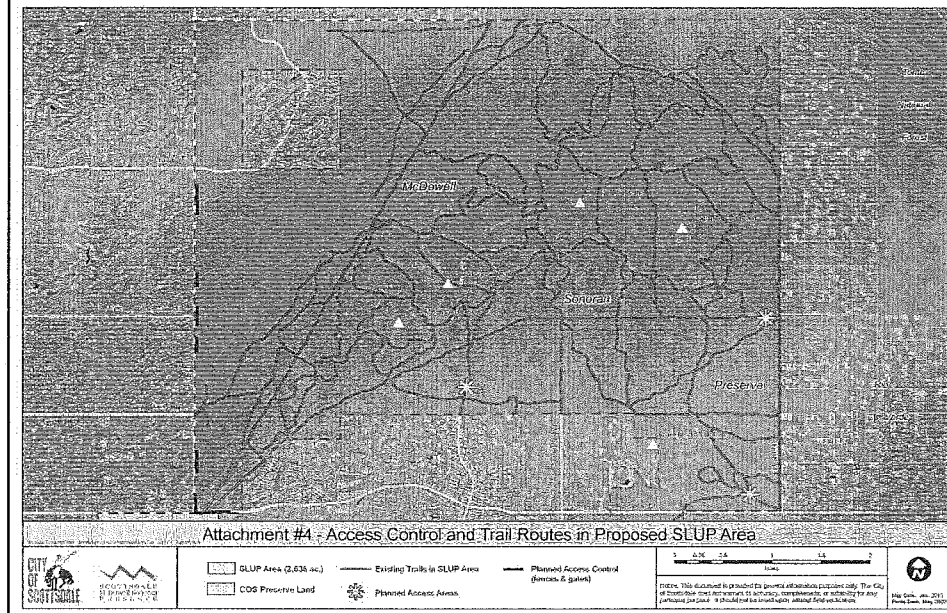
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Original Proposed SLUP Area 2009



Approved SLUP Area 2013

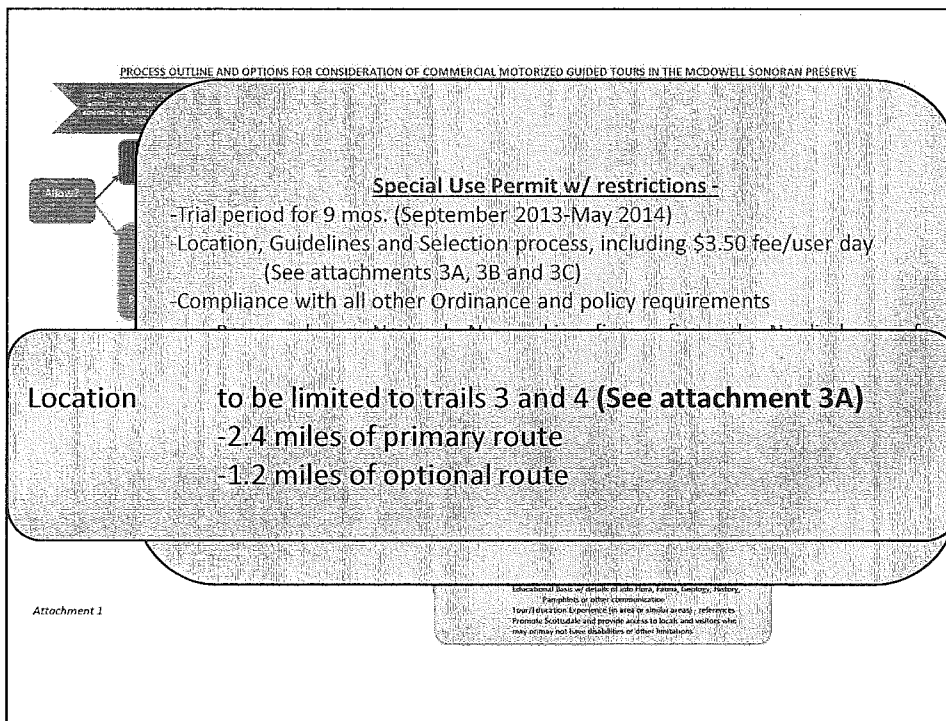


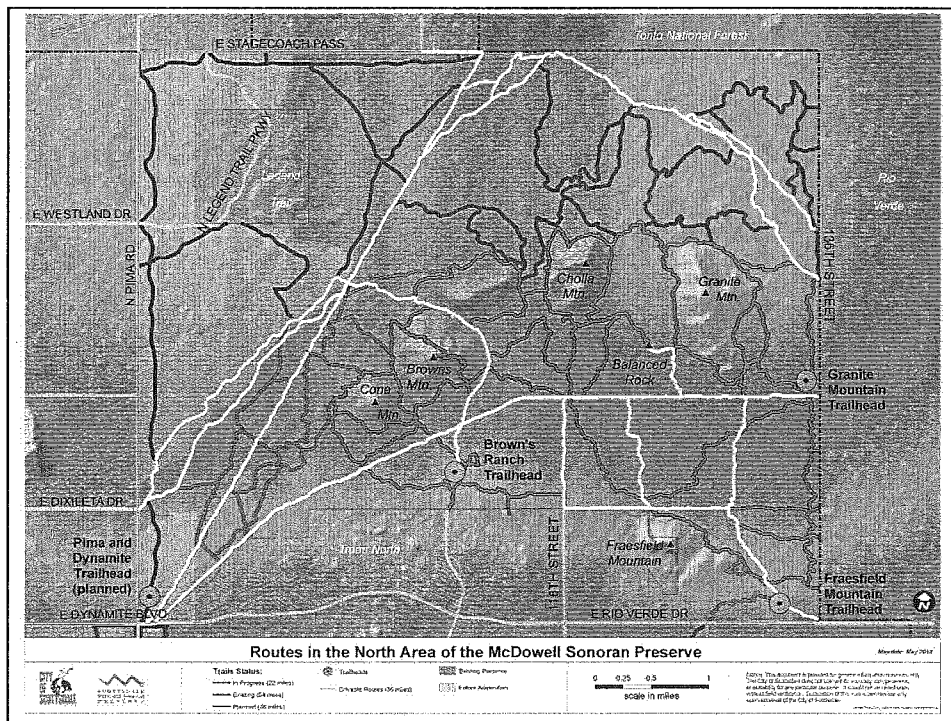
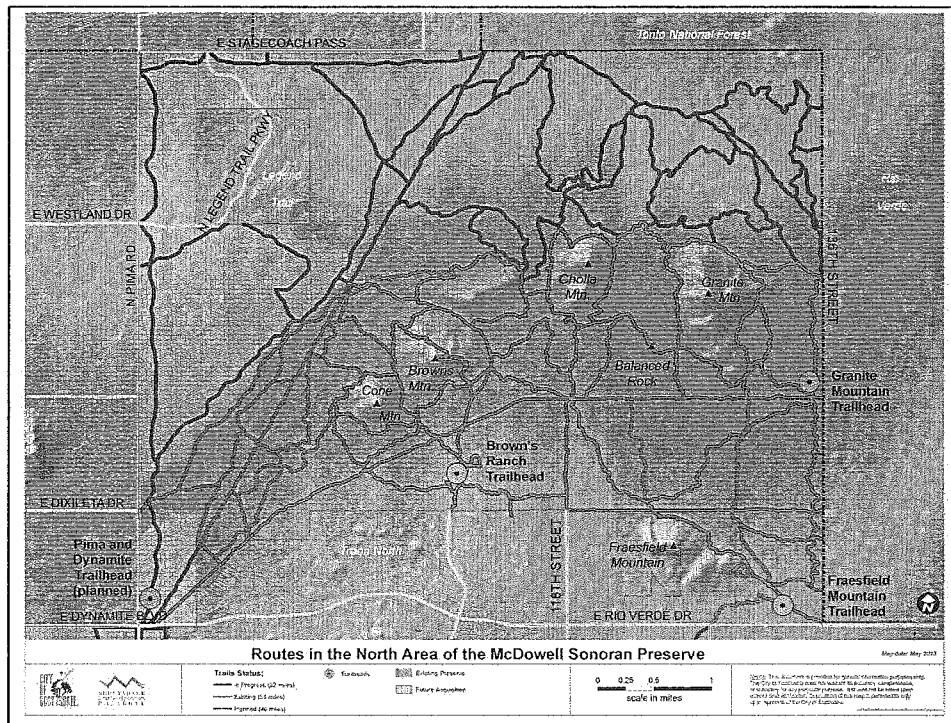
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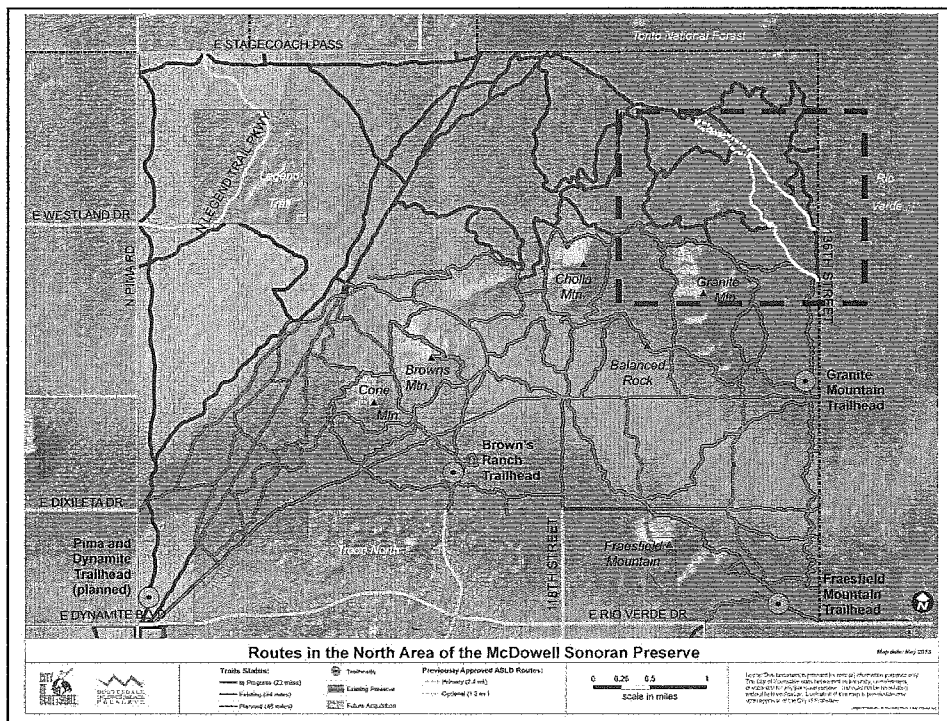
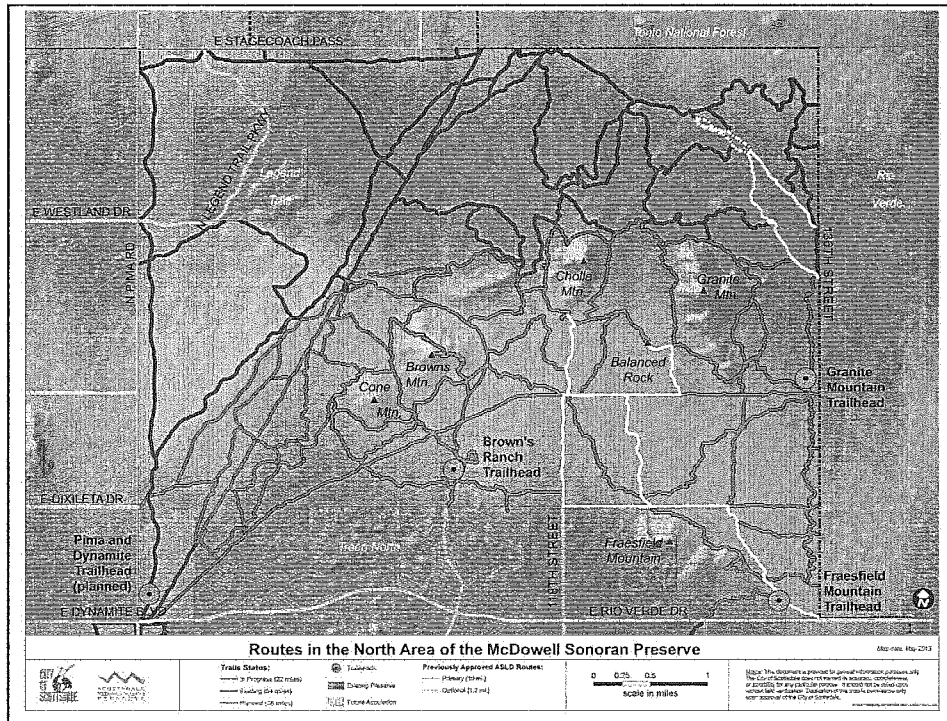
- 3 Jeep Tour Operators have requested to be allowed to continue Tours
- McDowell Sonoran Preserve Commission asked staff to outline options
 - No option to extend or sunset SLUP
 - SLUP - agreement w/ASLD and did not transfer to COS
 - No option to Grandfather Use
 - That is a Zoning Ord. issue and this is controlled by the Preserve Ord.
 - Preserve Ordinance Options
 1. Ordinance does not allow motorized vehicles – thus no tours
 2. Allow commercial motorized guided tours
 - A. Temporary – One Year Trial Period by Director Approval of Special Use
 - B. Permanent – requires Ordinance amendment

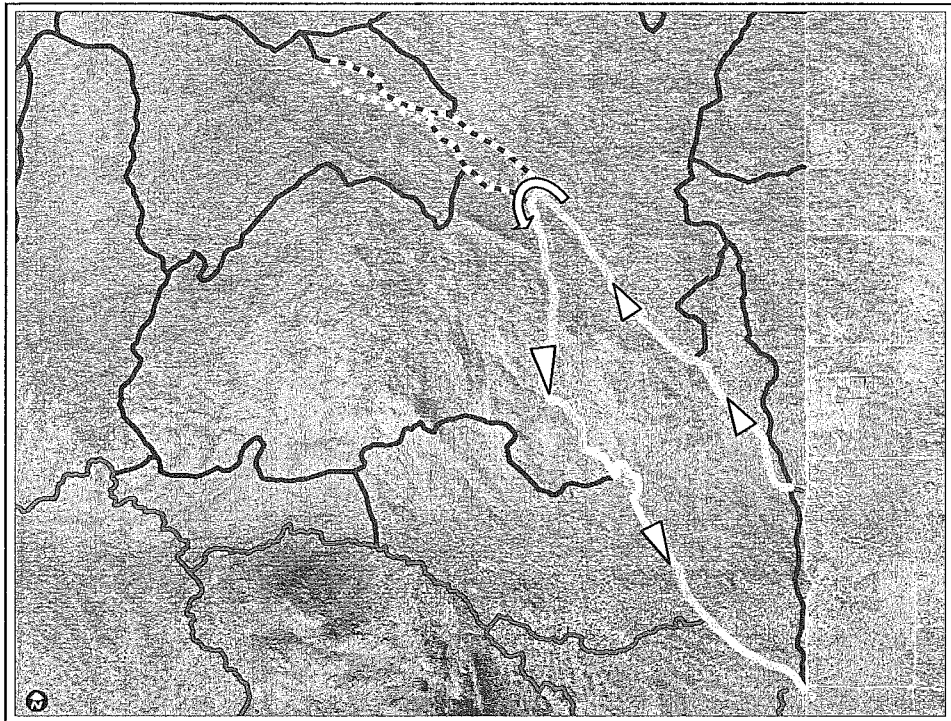
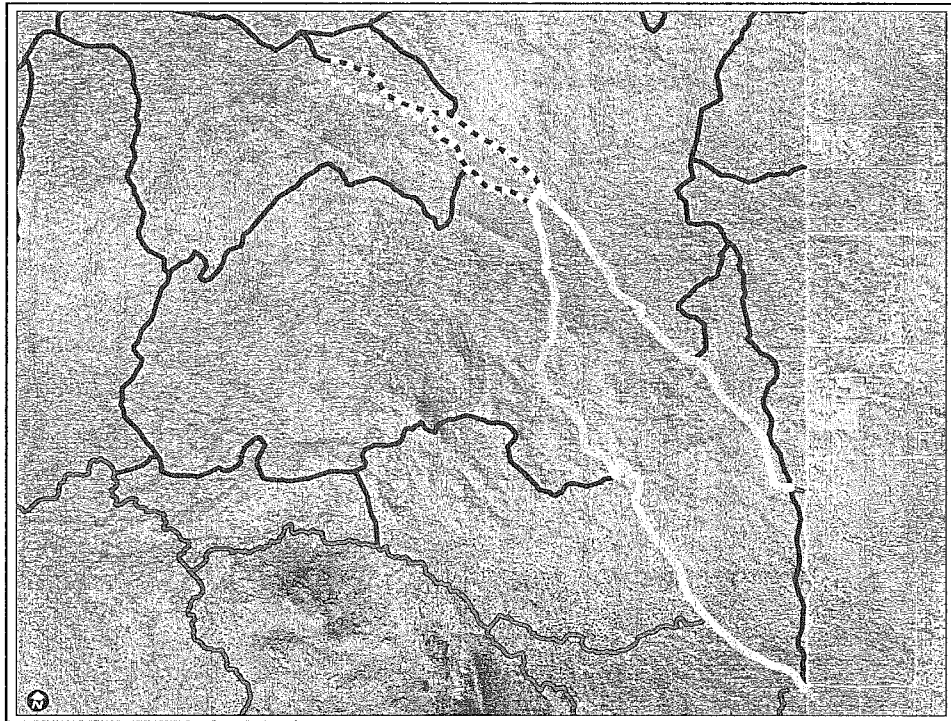
Commercial Motorized Guided Tours

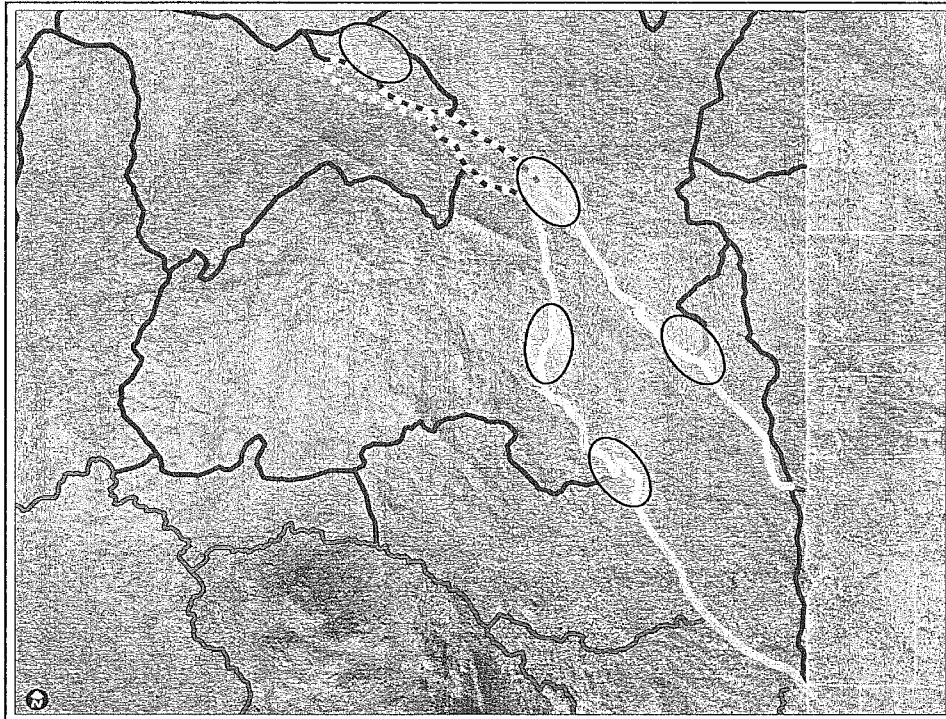
- McDowell Sonoran Preserve Commission reviewed options on May 2nd and May 30th
- Commission voted on two Motions on May 30th:
 - 5-2 - recommending making no change to Ordinance
 - 3-4 - failed to direct staff to implement Trial Period
- Thus Commission did not support Tours
- Operators are asking Council for direction to allow tours











PROCESS OUTLINE AND OPTIONS FOR CONSIDERATION OF COMMERCIAL MOTORIZED GUIDED TOURS IN THE MCDOWELL SONORAN PRESERVE

1. Initial Review
A. Initial Review of the Request
B. Review of the Request by the
Preserve Management Committee
C. Review of the Request by the
City Council

2. Review of the Request
A. Review of the Request by the
Preserve Management Committee
B. Review of the Request by the
City Council

3. Review of the Request
A. Review of the Request by the
Preserve Management Committee
B. Review of the Request by the
City Council

4. Review of the Request
A. Review of the Request by the
Preserve Management Committee
B. Review of the Request by the
City Council

NO

YES

Limits

- Tour must be education based (**See attachment 3B**)
- Driver/Guides – for each vehicle on the tour
- Dust control regulations (no boulder crawls, jumps, etc.)
 - Speed = slow (5 to 10 mph)
- Passenger Vehicle – Jeep/SUV type/size

Selection

- Process –must meet all specific Criteria (**See attachment 3C**)
- Educational Basis w/ details of info Flora, Fauna, Geology, History,
 - Pamphlets or other communication
- Tour/Education Experience (in area or similar areas) – references
- Promote Scottsdale and provide access to locals and visitors who may or may not have disabilities or other limitations

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Stevens, Katie

From: kathyannwalsh5658@msn.com
Sent: Monday, June 17, 2013 5:31 PM
To: Jagger, Carolyn; Stevens, Katie
Subject: Agenda Item Comment for 06/18/13 - Item 29

Meeting Date: 06/18/13
Item Number: 29

Contact Information (if blank, user did not provide):

Name: Kathy Ann Walsh
Address: 10302 E Le Marche Dr
C/S/Z: Scottsdale, AZ 85255
Phone: 480 502 5658

Comment for 06/18/13 Item 29:

I have been a citizen of Scottsdale since 1996 and a Steward of the McDowell Sonoran Conservancy since 2008, serving primarily on the Trail Construction and Maintenance crew. Although, I do sympathize with the small business aspect of the Jeep Tours, it is my understanding that they have been aware for several years of the intent of including the land they have been operating on in the Preserve which does not allow motorized vehicles. If there is one constant in life, it is change and businesses must change with the times and circumstances they operate in. It would then seem that, by now, they would have either found a new area for their tours, or changed their business model to employ horses, mules, or even animal drawn carriages that would be acceptable in the Preserve. I don't believe the citizens of Scottsdale owe them a living. Obviously, since they are small, any revenue the city would derive from permits or added tourism would be insignificant. I don't believe the citizens intended the preserve to be used by ANY motorized vehicles and I feel that it would be hypocritical at best, and perhaps even unethical to allow commercial motorized vehicles while personal, recreational ones are prohibited. I urge the council to vote against changing the Preserve Ordinance to allow the Jeep Tours, even on a trial basis. They have already had their trial.

Stevens, Katie

From: finkel.ron@gmail.com
Sent: Monday, June 17, 2013 6:45 AM
To: Jagger, Carolyn; Stevens, Katie
Subject: Agenda Item Comment for 06/18/13 - Item 29 Motorized Tours in Preserve

Meeting Date: 06/18/13
Item Number: 29 Motorized Tours in Preserve

Contact Information (if blank, user did not provide):

Name: Ronald Finkel
Address: 25433 N. Ranch Gate Road
C/S/Z: Scottsdale, AZ 85255
Phone:

Comment for 06/18/13 Item 29 Motorized Tours in Preserve:

I am 100% opposed in allowing motorized vehicles tour in the preserve. Two major points that I would like to make. One, look how the serenity has been taken away for the entire world in allowing helicopters and airplane fly over's in the Grand Canyon. Yes, some adjustments were made, but for the few business's that thrive, it has been ruined for the masses. Deal point two, the tour operators do not need to go into the preserve, if you have not noticed, there is other areas for them to use. Example, Verde River area, Tonto Forest, State Trust Land.....keep them out of the preserve, the tour operators will find new places to take tourist, for the motorized ride. Then if they wish they can come to any of our gateway trail heads, for restroom and education stops, and their passengers can actually walk a few feet or miles in silence if they care. Thank You